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CANADA

Debates of the Senate

1st SESSION

• 36th PARLIAMENT •

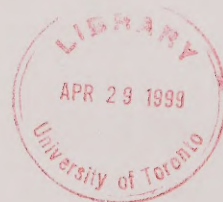
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OFFICIAL REPORT
(HANSARD)

Thursday, March 18, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Thursday, March 18 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

INTERNATIONAL FRANCOPHONIE DAY

Hon. Marie-P. Poulin: Honourable senators, on the occasion of this International Francophonie Day, Senator Comeau and myself would ask permission to make a joint statement.

Today, the Honourable Gérald-A. Beaudoin was made Chevalier of the Ordre de la Pléiade. He continues to contribute to the development of the Francophonie in Canada, through his actions, his commitment and his devotion.

Today is also the opening day of the Year of the Francophonie in Canada. To mark the event, twelve French-speaking federal parliamentarians — two senators, three ministers, and seven MPs — went to the Quebec National Assembly last evening. Our purpose was to mark the ties of brotherhood linking all French-speaking parliamentarians from one end of this country to the other. The visit was greatly appreciated on all sides. At a dinner following the reception at the National Assembly, the various parliamentarians made each others' acquaintance. They made a number of comments to us. We would like to pass some of them on to you now.

Hon. Gerald J. Comeau: Honourable senators, first of all, the place we can be of most use as parliamentarians committed to national unity is here in Ottawa. We would do well, however, to listen carefully to what the Quebec members of the National Assembly have to say, to read their debates, and to act accordingly, as responsible federal parliamentarians.

Second, last evening one of the federal parliamentarians made reference to the great concern triggered by the last Quebec referendum, and the reaction of one of the National Assembly members was to say "We have concerns here daily when we hear some of the messages that contribute to the division of the country."

Third, all parliamentarians noted the importance of the institutions in all of Canada's provinces and territories serving minorities in communications, education, health or other areas.

Fourth, the parliamentarians were last night themselves living proof that all Canadians recognize the credibility of francophones living in the Atlantic provinces, Quebec, Ontario

and the west. The Governor General of Canada is a French Canadian from New Brunswick, the Speaker of the Senate is a French Canadian from Manitoba, the Speaker of the House of Commons is a French Canadian from Ontario and the Prime Minister of Canada is a French Canadian from Quebec.

Fifth, the federal government has the tools and human resources to continue actively nurturing French Canadian culture.

Let us stop saying "French Canada" and "English Canada." That is a myth. There are proud francophones right across the country. Honourable senators, happy Year of the Francophonie in Canada.

[English]

HUMAN RIGHTS

INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

Hon. Donald H. Oliver: Honourable senators, it is with a sense of deep pride and honour that I rise today as the first of a series of Progressive Conservative senators to speak about the importance of March 21, a day set aside to celebrate the International Convention on the Elimination of All Forms of Racial Discrimination.

The Progressive Conservative Party of Canada has long been a world leader in taking steps to quash racism and promote equality. I feel proud that, following me, Progressive Conservative senators from all regions of Canada will rise, one by one, to speak eloquently about this important convention.

•(1410)

You will recall that the United Nations convention was born as a result of the vicious massacre in Sharpeville, South Africa on March 21, 1960, which focused the world's attention on the oppression that was ravaging blacks in that land as the minority white inhabitants prospered under apartheid.

In my two remaining minutes, let me briefly sketch for you the considerations which influenced the nations of the world to adopt this important convention.

Underlying the convention is the fundamental principle, enshrined in the UN Charter, the Universal Declaration of Human Rights and the Declaration of the Elimination of All Forms of Racial Discrimination, of "the dignity and equality inherent in all human beings." Implicit in this belief in human equality and dignity is the firm conviction that any doctrine of racial superiority is "scientifically false, morally condemnable,

socially unjust and dangerous," that there is no justification for racial discrimination in theory or practice anywhere, and that all human beings must be equal before the law. This in turn leads, by necessity, to the principle that everyone is entitled to fundamental rights and freedoms without distinction of any kind, in particular as to race, colour or national origin.

Rooted in these core principles, the framers of the convention went on to note the dangers of inaction. International peace and security, they believed, could be compromised by ongoing discrimination on the grounds of race, colour and ethnic origin, discrimination that could be "an obstacle to friendly and peaceful relations among nations" and which might disturb the harmony of persons living side by side within one and the same state.

Thus, the convention is not merely a set of noble ideas but a call to action. Member states signing the convention reiterated their commitment to take joint and separate action, in cooperation with the United Nations, to promote and encourage respect for, and observance of, human rights and fundamental freedoms for all without discriminatory distinctions. The signatories placed special emphasis on the need for the "earliest adoption of practical measures" aimed at reducing racial discrimination.

They renewed the condemnation of colonialism and the associated practices of segregation and discrimination contained in the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, and they promised to move without delay to eliminate racial discrimination in all its forms, prevent and combat racial doctrines, and build an international community free from all forms of racial segregation and discrimination.

In conclusion, four decades later, the philosophy and insights behind the convention continue to resonate. On this March 21 anniversary date, it is still our duty to recognize — indeed proclaim — the principles of human equality and dignity, the dangers of passivity, and the need for practical action.

Hon. Mary Alice Butts: Honourable senators, Sunday, March 21 is the International Day for the Elimination of Racial Discrimination. The United Nations proclaimed this day in commemoration of the 1960 massacre of 69 peaceful anti-apartheid demonstrators in South Africa. For over a decade, Canada has recognized this day by engaging Canada's youth in the struggle against racism.

In the latest poll, 85 per cent of Canadians believe that eliminating racism should be part of federal government policy. Honourable senators, we must listen to Canadians.

This year also marks the third annual National Stop Racism Video Competition. Over 320 youth teams have entered this competition. They must create a one-minute video which expresses their feelings about racism. The 10 winners will be spotlighted this Sunday, the International Day for the Elimination of Racism, on MuchMusic and MusiquePlus.

Ending racism is a priority for this government, and we believe that the best way to do it is by giving our youth the tools they need to build an inclusive, respectful society.

Hon. Consiglio Di Nino: Honourable senators, I, too, wish to make some comments on this very important day. I shall start by giving you a little background on this issue.

During the years following the Second World War, the shadow cast by the horrors of the concentration camps were long and dark. Haunted by knowledge of genocide perpetrated in the heart of Europe, the newly formed United Nations Organization moved quickly to prepare a Universal Declaration on Human Rights in 1948 and, 15 years later, a companion Declaration on the Elimination of All Forms of Racial Discrimination. The declaration in turn became the basis for an international convention adopted by the General Assembly on December 21, 1965 and signed by Canada the following year. The declaration came into force on October 24, 1970.

Canada's support for the new convention came as no surprise. As a society constructed by European settlers of diverse ethnic origins, surrounded by indigenous peoples, the matter of the relationship between racial and ethnic groups had long been high on Canada's agenda. As one of the staunchest supporters of United Nations, and home to the drafter of its Universal Declaration on Human Rights, Mr. John Humphrey, Canada was committed to the principle of multilateral efforts to guarantee basic rights.

As one of the architects of the new Commonwealth of Nations, Canada was sensitive to the emerging forces of decolonization, the racial overtones of international politics, and the internal racial and ethnic strife bedeviling many UN member states.

As a middle power seeking to maximize its influence in a changing world, Canada wanted to maintain friendly relations with nations emerging from the yoke of colonialism and the humiliation of subjugation. Despite the Cold War and a dark cloud of apartheid, there was in the air a feeling of interdependence of nations and a growing internationalism, and Canada was eager to play a role.

Finally, as a country with demographics that were rapidly changing, and a history that had already known difficult moments of discrimination, including the internment of Japanese-Canadians and Canadians of other backgrounds during World War II, Canada had a clear interest in all initiatives that promised to enhance the odds of interracial harmony.

The changing demographics had much to do with the shifting patterns of immigration. In 1962, the Diefenbaker government decided to remove race-based immigration policies. Canadian immigrants were already arriving from other European — that is, non-British, non-French — sources after the world war, and I am one of those. By 1971, they comprised 29 per cent of the population. To this were added the non-European immigrants whose numbers rose almost five-fold to about 200,000 between 1951 and 1971. They joined more than a quarter of a million First Nations people in Canada.

Prime Minister Diefenbaker's belief in basic rights and non-discrimination had deep roots. As early as 1947, he called for a Bill of Rights, and in 1960 saw that dream become a reality. Speaking on the Bill of Rights, Mr. Diefenbaker said:

I am a Canadian, a free Canadian, free to speak without fear, free to worship God in my own way, free to stand for what I think right, free to oppose what I believe wrong, free to choose those who shall govern my country. This heritage of freedom I pledge to you for myself and all mankind.

The Hon. the Speaker: Honourable Senator Di Nino, I regret to interrupt you, but your three-minute speaking time has expired.

Senator Di Nino: May I finish?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Di Nino: Thank you kindly, honourable senators.

He regarded the Bill of Rights as fundamental to his philosophy of social justice and national development.

The Right Honourable John Diefenbaker thundered, with quavering jowls:

One Canada stood for prejudice towards none and freedom for all. There were to be no second-class citizens, no distinction based on race, creed, or economic station in the Canada of my dreams.

Given its heritage, demographics and leadership, it is hardly surprising that Canada played an active role in formulating and implementing the UN Convention on the Elimination of All Forms of Racial Discrimination.

•(1420)

The Hon. the Speaker: Honourable senators, I regret to inform you that the 15-minute period for Senators' Statements has expired. However, I will recognize one more honourable senator.

[Translation]

INTERNATIONAL YEAR OF OLDER PERSONS

Hon. Marisa Ferretti Barth: Honourable senators, I rise to speak to you today of one of my main concerns in this the International Year of the Older Person. I refer to the specific needs of seniors in Canada's cultural communities.

My personal experience with them has taught me that their needs are not always heard, since they are rarely consulted by this country's decision-makers. However, the cause of seniors in our cultural communities warrants particular attention, because these people represent the difficulties associated with aging and the difficulties inherent in their status as immigrants.

So that the voice of the seniors in the various cultural communities may be heard, I am organizing, in cooperation with the Regional Council of Italian-Canadian Seniors, a day of dialogue on aging to be held tomorrow in Montreal.

On that day, representatives from several cultural communities will come to talk about the problems faced by the elderly in their community. We also invited representatives from community organizations and from the Régie nationale of Quebec's Department of Social Services, so that they are aware of these problems.

Later on, we intend to submit a report on the results of that dialogue to the departments and organizations of all the levels of government concerned.

In this International Year of Older Persons, I invite all senators to remain receptive to the problems related to aging, and to be open to the particular issues confronting the elderly in the various cultural communities.

[English]

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I would request leave for one more statement.

The Hon. the Speaker: Is leave granted, honourable senators?

An Hon. Senator: No.

ROUTINE PROCEEDINGS

CANADA CUSTOMS AND REVENUE AGENCY BILL

REPORT OF COMMITTEE

Hon. Terry Stratton, Chairman of the Standing Senate Committee on National Finance, presented the following report:

THURSDAY, March 18, 1999

The Standing Senate Committee on National Finance has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-43, An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence, has, in obedience to the Order of Reference of Wednesday, March 10, 1999, examined the said bill and now reports the same without amendment.

Respectfully submitted,

TERRY STRATTON
Chairman

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, March 23, 1999, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[English]

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CHANGING MANDATE OF NORTH ATLANTIC TREATY ORGANIZATION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I give notice that on Tuesday, March 23, 1999, I will move, seconded by the Honourable Senator John Stewart:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report upon the ramifications to Canada:

1. of the changed mandate of the North Atlantic Treaty Organization (NATO) and Canada's role in NATO since the demise of the Warsaw Pact, the end of the Cold War and the recent addition to membership in NATO of Hungary, Poland and the Czech Republic; and
2. of peacekeeping, with particular reference to Canada's ability to participate in it under the auspices of any international body at which Canada is a member.

That the committee hear, amongst others, the Minister of Foreign Affairs, the Minister of National Defence and the Chief of Defence Staff;

That the committee have the power to sit during sittings and adjournments of the Senate;

That the committee have the power to permit coverage by electronic media of its public proceedings; and

That the committee submit its final report no later than October 29, 1999.

[Translation]

AFRICA

STATE VISIT OF GOVERNOR GENERAL TO IVORY COAST, TANZANIA, MALI AND MOROCCO—NOTICE OF INQUIRY

Hon. Eymard G. Corbin: Honourable senators, I give notice that on Tuesday, May 4, 1999, I will call the attention of the Senate to my observations and thoughts arising from 16 days spent in Africa with Their Excellencies the Governor General of Canada, the Right Honourable Roméo LeBlanc and his wife, Diana Fowler LeBlanc, who were carrying out the first Canadian state visit to the Ivory Coast, Tanzania, Mali and Morocco.

[English]

ROLE OF CANADIAN JUDICIAL COUNCIL

MEDIA COMMENTS—NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable Senators, pursuant to rules 56 (1), (2) and 57(2) of the *Rules of the Senate*, I give notice that two days hence, I will call the attention of the Senate:

a) to the letter to the editor in the *National Post*, March 13, 1999 entitled "Fair Hearing," written by British Columbia Chief Justice Allan McEachern, the Chairperson of the Canadian Judicial Council's Judicial Conduct Committee, responding to the March 10, 1999, *National Post* editorial "Hardly Impartial" about Mr. Justice John Wesley McClung, Madame Justice Claire L'Heureux-Dubé, and the Canadian Judicial Council;

b) to the continuing public controversy about Alberta Court of Appeal Justice John Wesley McClung, and Supreme Court of Canada Justice Claire L'Heureux-Dubé, and the media reports of same;

c) to the interview and the comments of Chief Justice Allan McEachern as reported in the *Lawyers Weekly* February 26, 1999 article "Judges Must be Cyber-Warriors";

d) to the matter of justices' public statements in the media; and

e) to the concept and principles of judicial independence and to Parliament's rights in these matters.

INTERNATIONAL CRIMINAL TRIBUNAL FOR FORMER YUGOSLAVIA AND RWANDA

STANCE OF MADAME JUSTICE LOUISE ARBOUR—
NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable Senators, pursuant to rules 56(1), (2) and 57(2) of the *Rules of the Senate*, I give notice that two days hence, I will call the attention of the Senate:

a) to a February 28, 1999, *Calgary Herald* article by David Paddon entitled "Troops needed to assist tribunal, says Arbour," and to Madame Justice Louise Arbour's demands for international troops to assist her as the United Nations Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia and Rwanda, in her prosecutions in Kosovo;

b) to the fact of a Canadian justice's wish to exercise force and coercion, and to commander military troops, and the military instruments of state, and the relationship of a Canadian justice's use of military armed forces and the role of justices as per the Judges Act;

c) to Bill C-42, 1996, and Parliament's sole exemption from its Judges Act to permit Madame Justice Louise Arbour to act as the United Nations Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia and Rwanda;

d) to a March 16, 1999, *Globe and Mail* article by Kirk Makin entitled "Louise Arbour's Supreme Decision: The Celebrity judge would be a superstar candidate for the top court, but is the time right for her?", and media reports about Madame Justice Louise Arbour's alleged wishes, and possibilities for appointment to the Supreme Court of Canada upon the retirement of Mr. Justice Peter Cory; and

e) to justices' comments in the media about public policy issues, and to Canadian justices international activities, and to the concept of judicial independence of Canadian justices.

•(1430)

INTERNATIONAL POSITION IN COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE TRANSPORT AND
COMMUNICATIONS COMMITTEE TO EXTEND DATE
OF FINAL REPORT ON STUDY

Leave having been given to revert to Notices of Motion:

Hon. J. Michael Forrestall: Honourable senators, I give notice that on Tuesday, March 23, 1999, I will move:

That notwithstanding the Order of the Senate adopted on December 1, 1998, the Standing Senate Committee on Transport and Communications, which was authorized to examine and report upon Canada's international competitive position in communications generally, including a review of

the economic, social and cultural importance of communications for Canada; be empowered to table its final report no later than May 30, 1999, and

That the committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

QUESTION PERIOD

NATIONAL FINANCE

CANADA CUSTOMS AND REVENUE AGENCY BILL—
COST OF SPEECH-WRITING IN SUPPORT OF LEGISLATION—
APPLICATION OF GOODS AND SERVICES TAX—
POSITION OF CHAIRMAN

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate. Can the honourable leader either confirm or deny that a contract for \$23,000 was let by Revenue Canada for the writing of two speeches on Bill C-43, and can he advise whether GST was applied to that amount?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would obviously need to seek an answer to that question. I am sorry I do not have a response.

If GST was applicable, it certainly would have been applied.

Senator Kinsella: On a supplementary question to the Chairman of the Standing Senate Committee on National Finance, does the chairman of that committee, which has been examining Bill C-43, have any information on the same matter? Does he know whether either of those two speeches, costing \$23,000, is the one on the Revenue Canada Internet site purporting to be the speech delivered by our honourable friend the Deputy Leader of the Government — which is not, however, the speech printed in Hansard?

Hon. Terry Stratton: Thank you for the question. I can only respond that the information given to me clearly states that there were two speeches on Bill C-43 prepared by Revenue Canada, and that the total contract amount was \$23,200 plus GST.

As to whether or not the speeches were used on the Internet, I am still trying to confirm that. Since two speeches were prepared, it would appear that Senator Carstairs delivered one in the chamber, while Revenue Canada showed another on the Internet.

Hon. Lowell Murray: Honourable senators, on a supplementary question to the Leader of the Government in the Senate, if the government is paying such rates for speech-writing, would he be interested in joining me in a new partnership in which we could both go back to our old trade?

Senator Graham: Honourable senators, I would be very pleased to do so. As a matter of fact, the thought crossed my mind immediately. As soon as the question was raised by Senator Kinsella and responded to by Senator Stratton, I immediately turned and asked the Deputy Leader if she paid the GST. However, obviously she had nothing to do with it.

There is obviously a ghost-writer out there somewhere. Certainly, the rates are better than those we were paid at the Antigonish *Casket*.

Hon. Consiglio Di Nino: Honourable senators, there is no doubt a bit of levity around this issue, but if I were Senator Carstairs, I would be a little upset rather than thinking that it was funny.

When I hear Senator Murray and Senator Graham talk about this matter, I am struck by the injustice of the situation. The Senate, to do its job, spends a certain amount of money, and we are criticized nearly around the world for it. Perhaps some of the criticism is justified and perhaps it is not. Now we hear that the government is spending this kind of indecent sum to have a speech written.

Would the Leader of the Government in the Senate please tell us whether this is a normal occurrence that is taking place, and if he does not have the answer, could he find out for us?

Senator Graham: I agree with Senator Di Nino's description and use of the word "indecent."

I do not know whether this is standard practice, but certainly, if there is any truth in these assertions, we should inquire, and bring them not only to the attention of the Senate but to the attention of the public.

I agree with Senator Di Nino that there is an element of unfairness in this situation, because so much of the valuable work that is done in this chamber goes unrecognized. That work is done not only by individual senators but also by their researchers and by the committees that work in the public interest on behalf of the Senate.

NATIONAL DEFENCE

ACCUMULATION OF UNPAID BILLS—SHORTFALL IN ARMY BUDGET DUE TO EXPENDITURES FOR DISASTER RELIEF— GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, my question is directed to the Leader of the Government in the Senate as well.

It was revealed in questioning in the other place the other day that the Defence budget has an additional \$600 million in funds, according to the 1999-2000 Estimates. In response to questions about why it did not announce the additional spending, the government claimed that the new moneys were for disaster relief, and that the army got only an additional \$184 million in funding.

Is the additional \$184 million to cover the army's operating budget shortfall, and is that why National Defence could not pay its bills on time — because it had no money and was broke?

Hon. B. Alasdair Graham (Leader of the Government): My understanding is that within the Department of National Defence there was a backlog of unpaid bills. This is from my recollection of reading files at an earlier date, but my understanding is that the matter has been rectified.

There was a previous mention of \$377 million, and that indeed was the sum that went towards disaster relief in various parts of the country.

With respect to the \$184 million, I would need to do further investigation in order to identify that number.

CANADIAN FORCES BUDGET SHORTFALLS— REQUEST FOR ANSWERS TO ORDER PAPER QUESTIONS

Hon. J. Michael Forrestall: Honourable senators, I have had questions on the Order Paper since October 21, 1997. One is Question No. 57 on army budget shortfalls. Another is with regard to the Canadian Forces shortfall, Question No. 129, since June 15 of 1998. When my staff asked Parliamentary Affairs in DND about these questions, they were told that the answer to Question No. 57 had undergone a number of revisions.

Is the government too embarrassed to answer my questions about army budget shortfall? Why all of the revisions? How long must one wait to get an answer to a very simple question?

•(1440)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the government is not embarrassed at all. I regret very much that the questions put forward by the Honourable Senator Forrestall have still not been answered. I shall certainly pursue the matter immediately upon the adjournment of the Senate today.

HUMAN RIGHTS

INTERNATIONAL CONVENTION FOR ELIMINATION OF RACIAL DISCRIMINATION—POSSIBILITY OF INTERVENTION ON BEHALF OF DISSIDENTS IN CUBA—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, I regret that a certain senator did not permit me to make my statement today because it precluded me from giving the government a commendation on the excellent steps that they had taken pursuant to Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. Canada and this government has taken an excellent step toward complying with that convention with this government's undertaking that they will work towards elimination of all forms of discrimination and human rights violations within the multilateral forum.

Will the government consider initiating a process to have a special rapporteur to look into the situation in Cuba?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would be very happy to bring that matter to the attention of my colleague the Minister of Foreign Affairs. As the honourable senator knows, our relations with Cuba are under review as a result of the recent trial, conviction and imprisonment of four Cuban nationals. Canada is taking very seriously the whole question of our relations with Cuba. We believe that continued engagement is the best course of action.

While this matter is under review, the planned visits to Cuba of two ministers, I believe Ministers Marleau and Marchi, have been temporarily postponed. This has already sent a strong message to Cuba with respect to the seriousness with which we regard such incidents.

Senator Andreychuk: Honourable senators, Canada has entered into a constructive dialogue with Cuba. We have taken their statements at face value to this point. The Human Rights Commission is imminently sitting, dealing with the issues. It seems to me that a rapporteur could demand consent from Cuba to enter into this dialogue with Cuba. It would be an excellent opportunity for Canada to give a signal to Cuba and to the world that we are serious about working within the international covenants.

Senator Graham: I agree with Senator Andreychuk, and I shall bring that point to the attention of my colleagues.

IMPROVEMENT OF SITUATION OF DEMOCRACY IN EAST TIMOR—ROLE OF GOVERNMENT

Hon. Consiglio Di Nino: Honourable senators, I wish to continue along the same line, particularly considering this special day and the special year in which we are celebrating efforts against racial discrimination, for human rights and rights in general.

The winds of democratic change that seem to be coming out of Indonesia, particularly dealing with East Timor, are very welcome. I hope my question will reflect on what I think is some good work done by Canada.

What role did Canada play in encouraging these wonderful winds of democratic change in that part of the world? Perhaps it is a harbinger for good things to come in Asia.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Canada played a prominent role. I know the Minister of Foreign Affairs, Mr. Axworthy, discussed that matter on a number of occasions with his colleagues.

Senator Di Nino's question reminds me that several international organizations — the Socialist International, the Liberal International, the Conservative organization, the Christian Democrats, and several others — have raised this matter at their international meetings. They have made very

strong representations with respect to the situation in East Timor. I know from first-hand knowledge that the Minister of Foreign Affairs has played a very active role in that particular situation.

RELIGIOUS FREEDOM IN TIBET UNDER CHINESE OCCUPATION—GOVERNMENT POSITION

Hon. Consiglio Di Nino: Honourable senators, I want to congratulate the government — I do not do that very often on issues of this nature — both on the Cuba issue and on East Timor.

As a supplementary question, would the minister be able to inform us, or at least undertake to find the answer, as to whether the same pressure or the same approach was taken vis-à-vis China and, in particular, Tibet?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, my honourable friend would know from earlier discussions that Canada is very concerned about the human rights situation in China, including Tibet. Our policy regarding Tibet is to press for greater respect for human rights in China in general and in Tibet in particular. Respect for human rights and religious freedom is an important objective of Canada's bilateral and multilateral agendas.

Canada will continue to use the joint Canada-China Human Rights Committee to push the Chinese government to respect the religious freedom of all China's ethnic minorities. We are urging China to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Senator Di Nino: Honourable senators, I understand that bilateral discussions are being held between Canada and China on these issues. Would the minister undertake to at least inquire of the external affairs minister or the Prime Minister's Office as to whether some representation from this body — perhaps one member from either side of the chamber — could attend those meetings either as participants or as observers?

Senator Graham: Honourable senators, I shall certainly take that question under advisement. I should point out that the Canadian ambassador visited Tibet last spring. He raised Canadian concerns in all meetings with government authorities and his report contained his impressions of the situation in Tibet. If the Honourable Senator Di Nino is interested, I shall attempt to get a copy of that report.

VETERANS AFFAIRS

COMPENSATION PACKAGE FOR MERCHANT MARINE VETERANS—GOVERNMENT POSITION

Hon. Mabel M. DeWare: Honourable senators, as a senator representing the province of New Brunswick, I should like to ask the Leader of the Government if he knows if the minister responsible has taken into consideration the long-time request by our merchant marines for a compensation package?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I presume the honourable senator is referring to the Minister of Veterans Affairs. Legislation is now before us, and there will be an excellent opportunity to put that question directly to the minister if he is the person who comes before the appropriate committee.

Senator DeWae: Honourable senators, I appreciate the minister's recommendation because I notice that that piece of legislation does not contain the compensation package that is being requested.

INDUSTRY

REMARKS OF MINISTER ON PROBLEMS WITH PRODUCTIVITY— GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and it deals with productivity. Last month, the Minister of Industry, Mr. Manley, said that Canada has the lowest productivity growth in the G-7. This was confirmed by the Prime Minister's pollsters but today the Minister of Finance is saying that that is not the case.

Could the minister shed some light on Canadian government policy on whether productivity is a problem?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, productivity is always a problem, but I should emphasize, as I have done on other occasions, that since 1993, the government's central purpose has been to create a better standard of living for Canadians.

We inherited massive unemployment and a runaway deficit. We took the necessary action to address those problems and to improve the future for Canadians. We turned a \$42-billion deficit into a surplus. We have started reducing taxes. We have invested more money in research, development and education. We have invested more money in health care. We have improved the lot of Canada's children through the Child Tax Benefit.

•(1450)

According to Statistics Canada for the year 1997, productivity in Canada rose by 2.9 per cent. That is a substantial figure.

Though Senator Oliver comes from Nova Scotia, I shall cite an example of productivity for the edification of other honourable senators who may be doubting Thomases from other parts of the country.

Three weeks ago, I had the privilege of participating in the opening of an extension to a Magna International plant in North Sydney, Cape Breton, Nova Scotia, along with the company's president.

There are 157 Cape Breton employees at that particular plant. When the President of Magna came to the plant, I met with him before the announcement and asked him how he would rate the productivity of the labour force in Cape Breton. He told me that

Magna has something in the order of 150 subsidiaries around the world, and he said that he would rate the productivity of the Cape Breton labour force as being as good if not better than any plant in the world.

Senator Oliver: Honourable senators, what does the minister say about Minister Manley's comments about our sagging to the depths of an economy like Mississippi? What does he say about Minister Manley's comment that Canada has the lowest productivity growth of the G-7 countries? Could he address those questions directly?

Senator Graham: In this chamber and in this country, we should be of one mind in our determination to build on the recent improvements which I have just cited and that we have seen in productivity around the country. The aim of the government is to build a stronger economy where incomes grow, employment continues to rise, and the standard of living and the quality of life are raised for all Canadians.

DELAYED ANSWER TO ORAL QUESTION

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on March 3, 1999, by the Honourable Senator Kinsella regarding the report of United States State Department and the record of various countries in the treatment of aboriginals.

HUMAN RIGHTS

REPORT OF U.S. STATE DEPARTMENT ON RECORD OF VARIOUS COUNTRIES—MENTION OF INCIDENTS OF ARRESTS IN VANCOUVER AND TREATMENT OF ABORIGINALS— GOVERNMENT POSITION

(Response to question raised by Hon. Noël A. Kinsella on March 3, 1999)

This American annual report comments on a broad range of human rights issues in dozens of countries. In 1998, the report had mostly positive things to say about the state of human rights in Canada. However, it did mention a few complaints, notably discrimination against aboriginal peoples, the disabled and women.

In each of the incidents cited, the report noted either that Canadian governments are taking steps to address the concern, or that Canadian law and an independent judiciary provide such avenues.

The federal government is addressing three quarters (335) of the recommendations, either through existing programs and policies or initiatives under *Gathering Strength — Canada's Aboriginal Action Plan* that was announced in January 1998. It is noteworthy that only one quarter of the recommendations were directed exclusively at the federal government.

Gathering Strength, the federal government's response to RCAP, sets out commitments under four themes: renewing the partnerships; strengthening aboriginal governance; developing a new fiscal relationship; and, building stronger communities, people and economies. The foundations for achieving lasting change under these four themes have been laid over the past year. The challenge ahead is to build on this foundation, working in partnership with other governments, aboriginal people, the private sector and individual Canadians to make a tangible difference in the individual lives of Métis, First Nations and Inuit all across Canada. Members of the federal government team most active in implementing *Gathering Strength* include the Department of Indian Affairs and Northern Development, Canadian Heritage, Department of Fisheries and Oceans, Health Canada, Human Resources and Development Canada, Industry Canada, Department of Justice, Natural Resources Canada, Solicitor General and Statistics Canada.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

PRIME MINISTER'S OFFICE AND PRIVY COUNCIL OFFICE—
NUMBER OF OFFICIALS WHO RECEIVED
PUBLIC SERVICE BONUSES

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 68 on the Order Paper—by Senator Phillips.

TREASURY BOARD—SCOPE OF PUBLIC SERVICE
BONUSES PAID TO PUBLIC SERVANTS

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 69 on the Order Paper—by Senator Phillips.

NATIONAL FINANCE—CANADIAN FORCES SUPERANNUATION
ACCOUNT—REASONS FOR APPROPRIATION—
GOVERNMENT POSITION

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 139 on the Order Paper—by Senator Forrestall.

TREASURY BOARD—SCOPE AND MAGNITUDE OF
PUBLIC SERVICE PERFORMANCE PAY AND
BILINGUAL BONUSES PAID FOR 1995-96 AND 1996-97

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 109 on the Order Paper—by Senator Phillips.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before we proceed to Orders of the Day, I should like to draw your attention to the presence in our gallery of a group from the Merchant Seamen's Association of Canada led by Mr. Ossie MacLean. On

behalf of all honourable senators, I bid you welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

RAILWAY SAFETY ACT

BILL TO AMEND—THIRD READING

Hon. Marie-P. Poulin moved the third reading of Bill C-58, to amend the Railway Safety Act and to make a consequential amendment to another Act.

She said: Honourable senators, I rise in support of Bill C-58 on third reading. First, it is essential to acknowledge the vital role that has been played by members of the Senate and the House of Commons standing committees who have thoroughly examined the proposed legislation to ensure that it benefits all Canadians.

[Translation]

In 1994 and 1997 respectively, independent safety experts and officials from the Ministry of Transport conducted two in-depth reviews of the Railway Safety Act. These reviews confirmed the validity of the legislation's underlying principles. In both reviews, the excellent record of the Canadian rail industry was recognized.

In addition, throughout preparation of Bill C-58, Department of Transport representatives met with the rail industry, the rail workers' unions, the Federation of Canadian Municipalities, the Canada Safety Council, Transport 2000, provincial officials, and the list goes on. They all played an important role in the development of this improved bill.

Consultation meetings with stakeholders provided an opportunity to reach a consensus on the purpose of proposed amendments to the Railway Safety Act. These amendments correspond to the best practices of the safety systems of other modes of transportation.

[English]

Honourable senators, throughout the legislative process, many witnesses voiced their support of what they felt to be a good piece of legislation. Stakeholders commended the process by which this legislation has been developed. In particular, they appreciated the opportunity to fully voice their concerns.

The benefits of full consultation were amply demonstrated by the involvement of stakeholders who ensured that these concerns were integrated into the improved legislative package. For example, the members of the Standing Senate Committee on Transport and Communications met with the Railway Association of Canada to obtain the industry's points of view with respect to Bill C-58. Again, a high level of comfort with the bill was expressed during the hearings.

Moreover, the Transportation Safety Board noted in the fall of 1997 that Canada enjoys a commendable record of passenger rail safety. A railway safety act review committee was established to review the new safety regime. They concluded in their final report that railways in Canada are safe in comparison with competing modes of transportation and railways in other nations.

To continue improving this record, departmental rail safety inspectors will continue to monitor railway company safety performance across Canada. The Department of Transport will also continue to take action to attend to any safety deficiencies that may arise in order to ensure that the safety of the Canadian transportation system is not endangered.

Honourable senators, I am happy to note that my colleagues on the Standing Senate Committee on Transport and Communications approved Bill C-58, as is, after a thorough examination.

[Translation]

In conclusion, honourable senators, I repeat what has already been said many times. Transport Canada's priority is the safety of the Canadian transportation system. As in the past, the department will continue to work closely with the industry and all other stakeholders to ensure that safety is not compromised.

With the passage of these amendments to the Railway Safety Act, Canadians will enjoy a stronger regulatory framework for the safety of this essential mode of transportation. In addition, this framework will provide the department with the means of ensuring that Canadian railways continue to improve their safety performance as we head into the 21st century.

[English]

I am pleased to see the progress of this bill and lend my support to its success. Therefore, I urge honourable colleagues to support this bill so that it may receive Royal Assent as soon as possible.

The Hon. the Speaker: If no other honourable senator wishes to speak, I will proceed with the motion.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

[Translation]

**WAR VETERANS ALLOWANCE ACT
PENSION ACT
MERCHANT NAVY VETERAN AND CIVILIAN
WAR-RELATED BENEFITS ACT
DEPARTMENT OF VETERANS AFFAIRS ACT
VETERANS REVIEW AND APPEAL BOARD ACT
HALIFAX RELIEF COMMISSION PENSION
CONTINUATION ACT**

BILL TO AMEND—SECOND READING

Hon. Aurélien Gill moved the second reading of Bill C-61, to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend other Acts in consequence thereof.

He said: Honourable senators, I am really delighted to speak in the Senate for the first time and to have, moreover, the privilege of addressing a matter that concerns primarily citizens who have done honour to their country: veterans and their dependents. I obviously want to speak on the topic of Bill C-61, which I consider an excellent legislative measure.

We rarely have the opportunity to discuss a bill we have no opposition to, regardless of our political stripe. Our colleagues in the House of Commons were well satisfied of the importance of its passage, because they gave it rapid consideration at all stages.

I would hope that we, too, could pay tribute to our veterans in the same way by acting equally diligently.

[English]

The history of our country is marked by the sacrifice of the young men and women who fought for peace and freedom throughout this century. It is marked by the blood they shed on foreign soil around the world. It calls out to those who visit any of the countless Commonwealth cemeteries the world over where headstones plain and simple mark the resting places of Canadian veterans who gave their youth so that others might live free. It is honoured by countless nations in the monuments they have erected as testimony to our citizens who fell in defence of their homes, their land and their families.

[Translation]

Many of them died in their prime: 66,000 during World War I, 45,000 during World War II, and over 500 during the Korean conflict. Many others died during the peacekeeping operations that have been associated with the Canadian military personnel in the second half of this century. Thousands more were also injured, both physically and psychologically.

At what cost? A youth forever lost, families that never existed, mothers and fathers who lost their daughters and sons, wives who lost their husbands, children who lost their parents, and a nation that put its next generation at risk. Such is the price of war, but also of freedom.

[English]

Thus, we made a pact with these veterans that when they came home, we would help them make up for lost time, we would bind up their wounds and we would help them start over. By and large, Canadians and their successive governments have done a pretty good job in keeping that promise. Over the years, veterans' benefits in Canada have become known as among the best in the world.

[Translation]

For example, if a veteran or a military on duty is injured or becomes sick as a result of his service, he is eligible for a disability pension. Wartime veterans who, as they get older, see their income go down, are entitled to a veteran's allowance. Many others can get help and remain in their homes as long as possible, thanks to the benefits provided under the Veterans Independence Program. Many more receive medical benefits that supplement the benefits provided under provincial programs, and they also have access to beds in extended care facilities when they can no longer continue to live at home.

These are just of a few of the basic programs that have been in effect for many years, and that continue to provide essential services to very special Canadians.

On the eve of a new century, it is with sadness and resignation that we watch more and more war veterans leave us for a better world. The average age of those still alive will soon be 80. Their needs are changing. This is partly why Bill C-61 must be passed quickly. Through its provisions, the bill recognizes the passage of time and its consequences on the veterans and on those who survive them.

I would now like to look at certain specific features of the bill. Veterans' widows who might be eligible for increases in their survivor's pension will be among the principal beneficiaries of this bill. Once the bill is passed, the Pensions Act will be amended so as to allow survivors to apply for an increase in their pension if they feel that their spouse's disability, at the time of his death, should have received a higher rating. This provision might make it possible for thousands of widows to spend their old age in greater comfort. This is only a small token of our interest in their well-being. In fact, the Royal Canadian Legion strongly urged us to make this amendment, and we are happy to comply.

Passage of this bill will also benefit former prisoners of war. As they grow older and their health deteriorates, former prisoners of war can now receive an allowance to help them with personal care. In addition, veterans in this category who meet the criteria will be eligible for an exceptional incapacity allowance if they become extremely disabled with the passage of time and the onset of debilitating diseases. The amount of such allowances will be based on the degree of incapacity and the impact on their quality of life. Previously, these allowances were given only to veterans already receiving a disability pension. We are pleased to provide these benefits to former prisoners of war. This measure is a response to a priority request from the National Council of Veteran Associations.

Once Bill C-61 is passed, merchant navy veterans will be covered by the legislation applying to Armed Forces veterans. We are thus responding to the request of these very special citizens who wished to be recognized in name and in law as the equals of their brothers and sisters in other branches of the forces.

There are other changes with less impact, or with an impact on fewer veterans than the ones I have referred to. The changes are not minor, however, to those directly affected by them. The bill includes provisions for allied veterans living abroad, improvements to the administration of the Veterans Appeal Board — the appeal and review process, which would be more efficiently run — changes to the funeral and burial program, and continuation of the assistance to some survivors of the 1917 Halifax Explosion.

[English]

•(1510)

It is a sad fact of life that we send our very young off to war — wars not of their choosing or making. Nonetheless, throughout this century, off they went with high hearts and hopes for a speedy victory and a return to life and their beloved homeland.

[Translation]

For many of them, this was not to be the case. We must continue to honour their sacrifice and to remember them by keeping the promise made with them so long ago, the promise to look after those who served our country so valiantly, those who risked their lives that subsequent generations of Canadians might live free and in peace.

This is why I have said right from the start that it is only fair for the bill to be passed promptly, for it maintains our tradition of doing our best for our heroic veterans. I would therefore encourage all honourable senators to examine Bill C-61 with the utmost care. The sooner the bill is passed, the sooner the benefits it covers can be provided to the veterans and their survivors.

This is the least we can do, and it is what we must do.

[English]

Hon. Orville H. Phillips: Honourable senators, I should like to thank Senator Gill for his introduction and congratulate him on the excellent job he did in his first speech in this place. A very commendable effort, sir!

In participating in the debate today, I should like to point out to you that this is the last time that I will be dealing with a piece of veterans legislation in this chamber. That, in itself, is a very important milestone for me.

It is also, honourable senators, a continuation of the leap of faith that the Parliament of Canada took in 1994, when the government of the day asked Parliament to revise and reconstitute the method of applying for disability pensions. There was a long lineup requiring a considerable length of time to complete the process. The new process was adopted and the

number of cases waiting adjudication has been almost eliminated. I think our leap of faith was justified. I agree that the new legislation is the way to go and that we have done a very good job in that regard.

However, about this time last week I was commenting on the subcommittee on Veterans Affairs report entitled "Raising the Bar." We urged the department to ensure that, in streamlining their effort to meet a time line, they deal with such cases carefully and with compassion.

The new legislation is an omnibus bill. It brings forward a number of changes. The first change is the full recognition of the seamen of the Merchant Navy as veterans and their subsequent integration into all veterans legislation.

Another change allows surviving spouses and dependent children to have veterans' pensions amended after the death of the veteran if an additional entitlement should have been made or was in the process of being made. Previously, the award had to be in the amount of 48 per cent before this could be done. Now, it can be done at any level of award.

The Veterans Review and Appeal Board is allowing its chair to delegate persons who can decide whether or not a final appeal should be heard. I will have more to say on that later.

Changes are also being made, as Senator Gill mentioned, to allow former prisoners of war to receive extra allowances covering the cost of health care.

Another amendment is that the veterans who are resident outside of Canada will be allowed to continue drawing War Veterans Allowance. The act of 1996 was supposed to have terminated that benefit but the government has allowed it to continue. I will have certain questions about that matter at committee stage.

In the legislation, the Minister of Veterans Affairs assumes the right to make the regulations regarding grave markers, cost of burial and last sickness. When I read that clause, I wondered what relationship exists between it and the Last Post Fund. There, again, we will probably get the answer to that question in committee.

While most of these changes are positive, I have a number of issues that I should like to raise in the subcommittee — that is, provided the bill is referred to the subcommittee, and I anticipate that it will be. I am happy, as are most veterans and the public in general, to see that the seamen of the Merchant Navy have been given finally the status of full veterans. They have had the service, title and recognition for more than 50 years, as they endured equal or greater exposure to danger as many of the personnel who served in other branches of the Armed Forces.

Honourable senators are familiar with the hunger strike and the demand for compensation from two merchant seamen due to the fact that they were excluded from benefits granted at the end of the war. It is rather interesting to realize that this was almost a deliberate exclusion, because at that time the government of the

day and the Minister of Transport felt that if they could keep these merchant seamen in their trade, we would be able to maintain a Merchant Navy. They say this was the reason for the exclusion. That plan was ill conceived and did not succeed, and the seamen of the Merchant Navy have been asking for compensation ever since.

The various veterans groups support this legislation, and there is an understanding among the veterans groups that negotiations to arrive at a scheme for compensation will continue between the government and the merchant seamen's organization.

• (1520)

I should like to make two suggestions, honourable senators. The first would be an annuity paid to the surviving merchant seamen. I am not an actuary, nor am I very familiar with formulating annuities. However, I have phoned people who are qualified in this regard and I would like to make a suggestion, the one that was most commonly made in answer to my inquiries. My suggestion is that the government take \$100 million, set it aside and invest it in a fund. If the return on the investment were 6 per cent, that would provide a return of \$6 million annually. Since there are about 3,000 surviving merchant seamen, this would provide them with an annuity of \$2,000 per year.

That figure of \$6 million may seem high to some, but I will point out, as Senator Gill has mentioned, the average veteran is now 80 years of age, so their numbers will soon start declining rapidly and the annual bill of \$6 million a year will not stay at that level for very long. When there is no further need for the annuities, the \$100 million that has been set aside is still there and intact. I am not suggesting, honourable senators, that \$2,000 per annum would be the correct amount. I merely use it as a suggestion and an attempt to explain the idea of the annuity.

My other suggestion is that all the surviving merchant seamen receive a small pension to make them eligible for VIP treatment. As honourable senators will recall, in our report entitled "Raising the Bar," we suggested that the 160,000 Canadians who served overseas and received no disability pension be made eligible for VIP-like treatment. This would put those two groups on an equal footing.

Before leaving the question of compensation, it is my hope that both parties can enter into negotiations on the compensation to be made to Merchant Navy seamen in good faith and arrive at an early and satisfactory solution to the problem.

The other amendments, such as the changes for survivors' pensions and the provision of pensions to civilians, such as salt-water fishers in World War II and the war-blinded from the Halifax explosion, are sensible amendments and need no great comment.

When the previous amendment was made in 1994, I asked the government of the day to ensure that no one would receive less under the new system than they did under the old. Since this bill provides for certain civilian payments to be transferred into the veterans' fund, I ask the same thing, that no one suffer as a result of that transfer.

I do have some concerns about the bill, honourable senators, that I would like to discuss briefly. The first is the partial exclusion of individuals who served in the ferry command. These were mostly civilians who flew the bombers from Canada to Europe. They are included on the same basis as the Merchant Navy seamen were formerly included; that is, their injuries had to be as a result of enemy action or responding to enemy action.

Honourable senators, navigation was rather crude in the first part of the war and it was necessary to maintain radio silence. Quite often the aircraft would arrive over England, run into cloud or smog, and a navigator could say, "Well, we are over England but you have to find a place to land." Often it was a wheels-up belly landing, and I do not think that could be attributed to enemy action. I hope that they will not have to wait and fight for 50 years as the merchant mariners have done.

The bill also calls for changes to the operation of the Veterans Review and Appeal Board. Last week, I commented on that board. I will not repeat my comments at this time. The VRAB is asking for three changes. The first is a power to schedule hearings at the convenience of the applicant and the board; formerly it was at the convenience of the applicant. Discretion will have to be used there.

The Veterans Review and Appeal Board does not have a deputy chair. Bill C-61 will allow the chair of the board to designate any one member of the board to make decisions concerning whether or not an appeal will be allowed. I would point out that, in its brief to the Standing Committee on National Defence and Veterans Affairs in the House of Commons last fall, the Royal Canadian Legion stated that this refusal has occurred at least 800 to 900 times at the decision of the chairman of the board.

The amendment allows him, as chairman, to designate any one member to make such decisions. It probably will not occur, but under this legislation, it is quite possible for the individual who sat at the review process to be the one who will now say, "We are not going to hear the final stage because there is not a reasonable chance of passing and receiving an award."

These are what I would call bureaucratic amendments. That is, I feel they are more for the benefit of the bureaucrats than for the veterans. When I see that type of amendment, I am always suspicious, and therefore, recommend that you follow that proposal closely.

●(1530)

Clause 23 introduces a provision for a Merchant Navy veteran to make a sworn statement that he was injured or disabled in some way when making a pension application, provided he can show that the ship was in the area in which he says it was. In effect, this recognizes the benefit of the doubt. However, I should like to see other veterans have that same right to make a sworn statement and have it accepted as evidence. In many cases, it is almost impossible to say that they were knocked down by an

exploding shell in Northeast Europe or blown out of a jeep in Italy, or that they contacted a disease in the Far East. Again, I emphasize that medical records were not that accurate in World War II, and the medical officers were too busy to keep accurate records.

Honourable senators, I hope that you will continue an interest in this subject, and I hope that we will have an opportunity to examine the bill. In Senator Graham's answer to a question today concerning the progress of the negotiations, he said that the committee would be a good place to bring up such a question. I ask him to have whoever appears as the government witness present an update report on the standing of those negotiations.

With that, honourable senators, I look forward to the bill being referred to the subcommittee, where we can receive replies to many of these questions.

The Hon. the Speaker: If no other honourable senator wishes to speak, is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Lowell Murray: Honourable senators, I think the disposition of the members of the Standing Senate Committee on Social Affairs, Science and Technology would be to refer the bill to our excellent and highly respected Subcommittee on Veterans Affairs, chaired by Senator Phillips. We will be meeting at ten o'clock on Tuesday morning, and our first order of business will be to take up a motion to that effect?

On motion of Senator Carstairs, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL

SECOND READING—DEBATE ADJOURNED

Hon. B. Alasdair Graham (Leader of the Government) moved the second reading of Bill C-55, respecting advertising services supplied by foreign periodical publishers.

He said: Honourable senators, I wish to begin my remarks by recalling a little bit of history. The first magazine to be published in Canada appeared, I am proud to say, in Nova Scotia. It was called the *Nova Scotia Magazine*, and I happen to have a copy of Volume 3 of that publication going back to 1790. Thanks to my staff and the Library of Parliament, they were able to turn up a copy of this magazine. It was entitled, *Nova Scotia Magazine and Comprehensive Review of Literature, Politics and News*,

being a collection of the most valuable articles which appeared in the periodical publications of Great Britain, Ireland and America, with various pieces in verse and prose never before published. This is Volume 3 for July, August, September, October, November and December 1790. It was printed by John Howe, the father of the great and famous Joseph Howe. John Howe's printing shop was located at the corner of Barrington and Sackville Streets in Halifax.

Honourable senators, this magazine was read by some 200 subscribers. Sadly, it was forced to fold after just three years. The reasons: high publishing costs, a small domestic audience and the marketing power of far more established publications imported from abroad.

Honourable senators, as you can see, the difficulties faced by the magazine industry in Canada today are not new, but the importance of this industry to Canada today is as great, if not greater, than ever before. Indeed, for many decades Canadian governments of different political stripes have worked hard to establish policies that will help our magazine industry to thrive. Members of this chamber have been particularly engaged in the challenge of trying to ensure a continued vital magazine industry in our country.

Honourable senators, I should like to read a passage from a Senate committee report that captures the value of this industry to Canadians:

Magazines are special. Magazines constitute the only national press we possess in Canada. Magazines add a journalistic dimension which no other medium can provide — depth and wholeness and texture, plus the visual impact of graphic design. Magazines, because of their freedom from daily deadlines, can aspire to a level of excellence that is seldom attainable in other media. Magazines, in a different way from any other medium, can help foster in Canadians a sense of themselves. In terms of cultural survival, magazines could potentially be as important as railroads, airlines, national broadcasting networks, and national hockey leagues. But Canadian magazines are in trouble. The industry may not be dying, but it is certainly not growing. There are very few Canadian-owned consumer magazines that can claim, with any degree of certainty, that their survival is assured. And, if a number of long-established magazines are staring extinction in the face, it is becoming increasingly unlikely that new ones can be launched to replace them.

Honourable senators, those words were written in December 1970, almost 30 years ago, in the report of the Special Senate Committee on Mass Media, chaired by our former colleague the Honourable Keith Davey.

• (1540)

Ten years before that, in 1961, the O'Leary Royal Commission on Publications, chaired by another former colleague in this chamber, Senator Gratton O'Leary, described communications like magazines as:

...the thread which binds together the fibres of our nation. They can protect a nation's values and encourage their practice. They can make democratic government possible and better government probable. They can soften sectional asperities and bring honourable compromises. They can inform and educate in the arts, the sciences and commerce. They can help market a nation's products and promote its material wealth. In these functions it may be claimed — claimed without much challenge — that the communications of a nation are as vital to its life as its defences, and should receive at least as great a measure of national protection.

Honourable senators, our magazines today fulfil our high expectations. They challenge Canadians to think critically about who we are and where we are going as a nation. They tell us the big stories. They tell us the small stories.

Our new territory, Nunavut, is featured in the current issue of *Canadian Living*, a magazine with a circulation of 0.5 million. The same issue takes readers on a cross-Canada railway trip, and it tells Canadians, whether they live in Nova Scotia or New Brunswick or Quebec, about Mary Krupa in Kelowna, British Columbia, who mobilized hundreds of volunteers last summer to help bring peregrine falcons back to British Columbia's Okanagan valley.

Our magazines nurture and develop our writers and our editors. Some of our more distinguished writers honed their skills writing for Canadian magazines. Our writers and editors are among the most highly regarded in the world.

Honourable senators, we have a vibrant, if fragile, magazine industry in this country today. In 1956, there were 661 periodicals published in Canada. Less than 25 per cent of all magazines circulating in Canada at that time were Canadian. Today, over 1,500 Canadian magazines are produced by more than 1,000 publishers. Over 65 per cent of all magazines circulating in Canada today are Canadian.

Unfortunately, having satisfied readers does not guarantee success in the magazine industry. Survival depends on the sale of advertising services, not the sale of the magazines. Canadian publishers depend on advertising revenue for anywhere from 65 to 100 per cent of their income. It is this advertising revenue, the lifeblood of our magazine industry, that is now at risk. It is this threat that Bill C-55 would address.

Let me emphasize that we have the most open cultural market in the world. The bill before us would not change that state of affairs. More than 80 per cent of the magazines on our newsstands are foreign, and 95 per cent of those are American. The sale of American magazines in Canada represents the largest export of magazines to a single country in the world. Nothing in Bill C-55 would in any way try to stop this. Canada will remain open to magazines from countries around the world, including south of the border. The free flow of ideas across national borders is enriching and important. This should, and will, continue unabated.

Our magazine industry is, however, threatened by foreign publishers who would sell discounted advertising services directed at the Canadian market to Canadian advertisers. Let me elaborate.

In the Canadian market, one page of advertising generally covers the cost of producing one page of original Canadian content. As we are all aware, there is a limited pool of Canadian advertisers who buy advertising services from magazine publishers. American magazine publishers benefit from economies of scale that are unimaginable and unattainable for Canadian publishers. Because American print-runs are so much higher than ours, their unit production costs are lower.

When they then take a magazine whose production costs have already been covered by their U.S. advertising revenues and re-issue essentially the same magazine to the Canadian market, they can afford to offer advertising at discounted prices to Canadian advertisers. Even if they add a small amount of Canadian content, the advertising revenue required to pay for that content is simply not comparable to that required by a Canadian magazine to pay for a whole issue of original Canadian content which includes editors, writers, photographers, and a host of others.

Honourable senators, the magazine industry in Canada is not a very profitable industry. Indeed, approximately half of Canadian magazines do not make a profit. In 1997, there were 90 new magazine launches in Canada, and 31 magazines closed that year. It is a difficult industry at the best of times. It is simply not realistic to expect our magazine publishers to compete with American publishers for Canadian advertising services when the American publishers do not bear the same costs.

If, indeed, we wish to ensure the continued viability of our magazine industry, then we must ensure continued access to revenues from the sale of advertising services. That is exactly what Bill C-55 would do. Bill C-55 would prohibit foreign publishers from supplying advertising services directed at the Canadian market to a Canadian advertiser. It would not prohibit sales of advertising services directed at other markets.

For example, nothing would prevent a Canadian advertiser from advertising in a foreign publication directed at the U.S., North American, or worldwide markets. The bill will, however, ensure that Canadian publishers continue to have access to Canadian advertisers for advertising services directed at the Canadian market.

The act would be enforced in several ways. First, if the minister becomes aware of an alleged breach of the act, or that a breach is about to occur, the minister may send a letter to the foreign publisher demanding that the contravention stop or the transaction not be completed. This can then be followed with a civil action to enjoin the foreign publisher from contravening the act.

In the event that this is not sufficient to deter foreign publishers from contravening the act, the legislation also

provides for criminal prosecution. The penalties that may be imposed range from \$20,000 for individuals prosecuted on summary conviction for a first offence under the act to \$250,000 for a corporation prosecuted on indictment. On conviction, the court may also impose a fine equal to the amount of any monetary benefit obtained as a result of committing the offence. This would be in addition to any other penalty.

•(1550)

The bill contains clauses providing for investigative authority and ensuring that publishers do not try to evade their obligations by committing prohibited acts outside of Canada. The definitions and obligations are similarly carefully structured so that third parties are not used to avoid the prohibitions of the bill.

Let me emphasize that there are several foreign publications which have for many years been publishing Canadian editions of foreign magazines. I emphasize that it is not this government's intention to now suddenly change the rules for these magazines which have coexisted peaceably for a long time in the Canadian market. These magazines have been grandfathered under the bill. Indeed, there was some question about the extent of the grandfathering in the bill as originally drafted. An amendment was passed in committee in the other place to make it absolutely clear that foreign publishers will be permitted to continue and expand their businesses within the confines of publications already operating in the Canadian market.

Honourable senators, I wish to address briefly some of the international trade concerns that have been raised about the bill. As honourable senators know, in October 1997, the World Trade Organization ruled that the customs and excise taxes levied on split-run periodicals contravened the General Agreement on Tariffs and Trade. The WTO panel was very clear in its decision that it was not in any way challenging the policy objectives of the Canadian government in seeking to protect our cultural identity. The difficulty was with the particular instrument chosen to implement that policy.

The Government of Canada has fully complied with the WTO ruling. It has removed the segments of the Excise Tax Act and Customs Tariff dealing with split-run publications. It has restructured the delivery of postal subsidies, and it has harmonized domestic and international postal subsidies.

Bill C-55 is completely distinct from the legislation addressed by the WTO. The bill deals with advertising services which would fall under the General Agreement on Trade in Services, not the General Agreement on Tariffs and Trade. The provisions of Bill C-55 are consistent with Canada's obligations under the General Agreement on Trade in Services. They are also, of course, consistent with our obligations under NAFTA.

Honourable senators, the Canadian magazine industry is a critical part of the cultural fabric of our country. Bill C-55 establishes a fair and effective framework to ensure that Canadian magazine publishers continue to have access to the advertising revenues that they need to survive. It will guarantee

that only Canadian publishers can sell advertising services aimed at the Canadian market, except for those who have been grandfathered. It will put in place tough, appropriate penalties for foreign publishers who contravene the act.

I am pleased to add that this bill has received the support of all but one of the political parties in the other place.

For example, Mr. Scott Brison, the member for Kings—Hants in the other place, stressed the importance of this legislation and described how it would send a clear message to everyone that we are determined to protect our cultural sovereignty in the face of ever-increasing global pressures.

Members of the New Democratic Party and the Bloc Québécois also expressed their strong support for the bill. The Reform Party has been alone in opposing it.

Honourable senators, I believe Bill C-55 is a balanced and effective response to an urgent need by a critical Canadian industry and I hope that you will join me in supporting this bill.

Hon. John B. Stewart: Honourable senators, I wish to ask Senator Graham whether he is convinced that the purpose of maintaining cultural identity will be accepted by the WTO as a valid basis for the distinction which this bill will make.

Senator Graham: Yes, absolutely.

Hon. Lowell Murray: Honourable senators, Senator Stewart's question suggests a supplementary one. I understood that Canada had offered to go to the WTO with this bill for determination and that the United States had resisted. Is that offer still on the table?

Senator Graham: There have been ongoing negotiations between Canada and the United States, as my honourable friend knows. It was the intention of the government not to hold up the bill but to proceed with it. If such an opening were provided and the Government of the United States decided they would like to have this measure examined by the WTO, it would be up to the Government of Canada to respond. However, at this time, it is the intention of the government to proceed with the bill as it currently stands.

Senator Murray: Honourable senators, until the Leader of the Government gave that answer, he had not, and the government had not, volunteered so much as a syllable about the negotiations which appear to be going on between Canada and the United States. I congratulate my friend on a very cogent and comprehensive speech, but I believe that was a glaring omission in his speech, given that these negotiations may, at any time, overtake this bill.

What can the minister tell us about the state of play of those negotiations at present?

Senator Graham: Honourable senators, the negotiations are not ongoing as we speak. I know that last week there were negotiations at a very high level. I am not aware that negotiations are continuing at the present, but I would be happy to make an

inquiry and bring that information forward. Certainly we shall get firsthand information when the bill goes to committee.

Senator Murray: Is the honourable senator telling us that there are no further meetings planned, so far as he knows?

Senator Graham: There are none that I am aware of.

Senator Murray: Who has been in charge of these negotiations? I am led to believe, by the media, that the delegation is headed by the deputy ministers of Canadian Heritage and International Trade.

Senator Graham: That is correct, to my understanding.

Senator Murray: Who is in charge?

Senator Graham: The minister responsible for the bill is the Minister of Canadian Heritage. Obviously, there are implications for the Minister of Trade. As Senator Murray indicated, both deputy ministers have been involved in negotiations with their counterparts in the United States.

•(1600)

Senator Murray: Who provided the mandate to those negotiators?

Senator Graham: Quite obviously, they are acting under the direction of both ministers.

Senator Murray: Can the minister say what issues are being discussed in those negotiations?

Senator Graham: The issues are undoubtedly the concerns by the United States that American magazines will be treated unfairly. That is not the case, I believe, as I elucidated in my remarks. The magazines that have already been doing business and selling advertising in Canada prior to the introduction of the bill in the other place would be free to continue as they have been.

I wish to emphasize that Canada has played by the rules. In August of last year, Canada complied completely with all aspects of the World Trade Organization ruling on periodicals. We acted to repeal the tariff code. We moved to amend the Excise Tax Act. We altered the administration on postal subsidies and we lowered the postal rate for foreign magazines.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have a supplementary question to the last exchange. I listened carefully to the minister's speech and his strong endorsement of the bill and his assertion that it now abides by the WTO ruling.

Am I to understand that the government is satisfied with the bill as presently written and will not bring any amendments to it before the committee or at third reading?

Senator Graham: That is my understanding as I speak today.

Senator Lynch-Staunton: As we speak today and as we speak next week, we hope to speak about the same thing. If the government has in mind amendments to be brought forward which change the whole complexion of the bill, any debate we have between now and then may not be very profitable.

Senator Graham: Honourable senators, I am not aware of any amendments that are contemplated at the present time.

Senator Lynch-Staunton: I should have thought that a government bill presented at second reading would come without any thought of a government amendment. Otherwise what is it doing here? Has there ever been a government bill which has come to this chamber from the other place where the sponsoring minister cannot tell us that no amendments are planned or intended?

Senator Graham: I just said we have no amendments planned nor are any amendments intended.

Senator Lynch-Staunton: Honourable senators, the sponsoring minister in the other place has told us to expect amendments to the bill here. Unfortunately, the minister sponsoring the bill here cannot or will not confirm that.

Senator Graham: I cannot confirm it because no decision of that nature has been taken.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, at second reading we debate the principle of the bill. We just heard there are ongoing negotiations on the matter with our friends to the south. Which principle of the bill is non-negotiable and which principle of the bill is part of the ongoing negotiation?

Senator Graham: Honourable senators, the negotiations that I alluded to took place in previous weeks. I am not aware that there are any negotiations going on at the present time.

[Translation]

Hon. Roch Bolduc: Honourable senators, am I to take it that the government has made up its mind? Regardless of pressures by the steel, textile or some other industry, has the decision been made to go ahead with the bill? Is that the government's decision?

[English]

Senator Graham: Honourable senators, I said no matter what pressures are applied. Is the opposition not listening?

Senator Lynch-Staunton: The government will not give in?

Senator Graham: I am the sponsor of the bill and, as far as I am concerned, the bill stands as it is. It is open to my honourable friends opposite at any time, either in committee or at third reading, to move amendments. That is their prerogative.

[Translation]

Senator Bolduc: We are not talking here about our amendments but about yours, and that is the difference.

Regardless of what could be termed the U.S. blackmail relating to steel and other industries, has the government decided to go ahead with the bill?

[English]

Senator Lynch-Staunton: Honourable senators, the Minister of Canadian Heritage was on *As It Happens* last night. She said she thought it would take four to six weeks for the bill to get through this chamber. She said negotiations, if not going on now, would continue. The point of the negotiations must be that the United States and Canada are trying to come to a compromise or an understanding. If that takes place, then the bill will be affected accordingly.

Senator Graham: That might be wonderful.

Senator Lynch-Staunton: Honourable senators, I do not know if that would be so wonderful. Will we cave in to the Americans again? If you call that wonderful, then, yes, you are probably right. Why are we negotiating then if we are satisfied with the bill? What are we negotiating?

Senator Grafstein: This is a chamber of second sober thought.

Senator Lynch-Staunton: Give us something to think about.

Senator Kinsella: Honourable senators, my question to the minister in presenting the bill is this: Is he telling us that there are no principles that are negotiable in this bill or that there are some that might be negotiable?

Senator Graham: Honourable senators, listen carefully. The principles enunciated in this bill are to preserve Canadian culture and to give Canadian magazines, their writers and their editors, a chance to ply their trade and to tell us more about what being Canadian really means. That is the principle behind the bill.

Canada is acting fully consistently within our trade obligations. Officials for the Department of Foreign Affairs and International Trade have made those points clearly to their counterparts in the United States. We are fully confident that this bill encompasses all the necessary tools and, indeed, the necessary compromises that were suggested as a result of previous legislation that had been introduced. We see no reason why our American friends would not be happy with this legislation.

Senator Kinsella: Honourable senators, to the minister again, my colleagues on this side are the strongest defenders of Canadian culture. Indeed, that is why we made efforts when we were in government to have that file left out of the free trade agreements. There is no question on that as far as our position is concerned.

We are trying to understand the government's position. You have come in here with a piece of legislation and told us that something is under negotiation. I wish to know, is the principle of the bill non-negotiable?

Senator Graham: The principle of the bill is not under negotiation with our American friends.

Hon. Mira Spivak: Honourable senators, imagine a situation in which the bill is approved. It will come into force, I presume, in four to six weeks. There have been many different versions of this bill.

To what extent can our American friends, if they wish to do so, retaliate in terms of trade?

Senator Graham: Honourable senators, I can see no reason for the United States to retaliate. As I said earlier, Canada is acting fully and consistently within our international trade obligations. We have played by the rules. If the United States, in the final analysis, dislikes the provisions of the bill, then it can turn to the international dispute settlement procedure. That is how such disagreements are addressed, not by retaliation.

•(1610)

Senator Spivak: Many statements have been made at the highest level with the trade representatives that there will be retaliations.

I certainly support what you are saying as a perfectly logical course. However, that course is not what has been suggested. Besides which, we have heard from various representatives of the publishing industry who say that Time Warner is not content with 98 per cent of the market; they want 100 per cent of the market. They are exercising their influence.

What I am asking you is: Should there be retaliation? Under the trade laws, what is the extent of that retaliation? In the press, they are talking about billions of dollars. I do not believe that is accurate. Could the Minister provide us with some understanding of what sort of retaliation the Americans could undertake?

Senator Graham: That is a hypothetical question, in the sense that I could not forecast what type of retaliation would be undertaken.

It is important for us to understand, as Canadians and as senators, that we must stand up for our country. We can only be bullied so far. Enough is enough! Let us get on with business and support this piece of legislation.

Senator Stewart: If I may ask a question, members of the opposition seem to be asking for a guarantee that the government will not bring forward amendments in committee. Surely, that is a guarantee that no one can give.

As Senator Kinsella has said, Bill C-55 has a principle. An independent senator, for example, would not be blocked from bringing forward in committee, if that senator were a member of the committee, an amendment consistent with the principle of the bill. At this stage of the bill's progress, it seems unreasonable to ask anyone in the house to post a bond that they will not bring forward an amendment. That is my first point.

With regard to American behaviour, Senator Spivak's question seems to imply that if Parliament enacts this bill, and subsequently it is challenged in the World Trade Organization, and the World Trade Organization upholds the Canadian position, that the United States will suddenly throw aside the rule of law. Is this not a serious presumption?

I say "serious" because if it is valid, then surely every American commitment to either the GATT in the old days or the World Trade Organization now means nothing. Can we operate in a world market for goods and services if that is a valid presumption?

Senator Graham: If that question were posed to me, I would say "no."

The Hon. the Speaker: Honourable senators, a question may only be asked of the person who has made the speech. Therefore, the question must be addressed to the Leader of the Government.

Senator Murray: Honourable senators, I have a question for the Leader of the Government, inspired by the tenor of his last response.

The minister urged us very eloquently to proceed with this bill. I wish to know what the government's hope and expectation is with regard to this bill. One assumes that it will proceed to committee next week. Would the government hope and expect to have it disposed of and granted Royal Assent before Easter, for example?

Senator Graham: I would anticipate that the bill would be handled in the normal course of events. I understand that the Leader of the Opposition would like to speak and respond perhaps next week. The Leader of the Opposition has just indicated that he is quite ready, and perhaps he may proceed to speak today. Other honourable senators may wish to speak on the bill, and then it will be moved to the appropriate committee.

Senator Lynch-Staunton: Honourable senators, I should like to have some clarification. We have heard the Leader of the Government tell us very eloquently to stand up for Canada, to resist the bullying from those horrible people across the border, let us get on with this bill, we believe in it, it meets all the tests of our international agreements, et cetera.

Senator Murray asks whether we might pass this bill before Easter. In response to his question, he is told that there is no rush. Why is there no rush? There are negotiations ongoing, or which may start again. What are those negotiations about? What exactly are Canada and the United States negotiating which may have an impact on this bill? These negotiations are occurring behind closed doors. In other words, Parliament, which is responsible for passing legislation, is waiting for closed-door negotiations taking place in Washington before determining the final features of this bill. It is unheard of, at least since I have been here, to have a bill sent to us with the unwritten understanding that negotiations with another country will determine its final content.

The question is, honourable senators, what are the negotiations on that will determine changes to this bill?

Senator Graham: There are always negotiations, conversations and discussions that go on between the two friendliest allies in the world.

It is not without precedent that when a bill has reached this place, of very careful and sober second thought, that senators on both sides have enlightened the government and amendments have been brought forward.

It is not my intention, as the sponsor of this bill or as the Leader of the Government in the Senate, to introduce any amendments. I am not aware that it is the intention of the government, at this time, to suggest amendments.

I am merely saying that we have due process in this place, and due process will be followed. The Leader of the Opposition and any other honourable senators in the chamber who wish to address this important legislation may do so. Unless the Honourable Senator Lynch-Staunton wishes to put this proposed legislation on a fast track and move it to committee quickly. We would be most cooperative in that regard on this side, I assure honourable senators.

On motion of Senator Lynch-Staunton, debate adjourned.

●(1620)

THE BUDGET 1999

STATEMENT OF MINISTER OF FINANCE—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 16, 1999.—(*Honourable Senator Tkachuk, P.C.*)

Hon. David Tkachuk: Honourable senators, first, I wish to thank you for giving me the opportunity to speak over the period of two days.

I ended my remarks yesterday on the question of Employment Insurance premiums. I mentioned that the 3 per cent federal surtax was removed by the Minister of Finance at a cost of some \$1.5 billion. That 3 per cent federal surtax was not a surtax on everyone; it was imposed on a special group of people depending upon their income.

The Minister of Finance has said that he will use the surplus in the EI account to provide tax benefits to other Canadians. He removed the 3 per cent federal surtax and, at the same time, charged workers and companies close to \$5 billion per year in EI premiums. That, in effect, amounts to a surtax on workers and companies. I say that because it applies to a special group. Not everyone pays EI premiums. Farmers and self-employed business people do not pay EI premiums. Yet, everyone except people who work received the 3 per cent reduction in the federal surtax.

That tax, as a progressive tax, treats Canadians differently. As well, those who pay EI premiums are treated differently. The results of this type of tax treatment to which we have been exposed will be catastrophic.

Technology in the global village has not only increased the speed and flow of information, it has also increased the freedom of people to choose where they will live and where they do business. It matters less today where you work and from where you sell your product. This means people in business will go to where it is most economically advantageous. This is not a good thing for the country. It means that the best educated people will be the first to leave, leaving those who have more difficulty making their way in the country without the benefits provided by entrepreneurs, creative people and those who, technically, are looking forward to the next century.

This is something which has been talked about for a number of years. In an article in *Maclean's* magazine to which I referred earlier, it was stated that the OECD has warned that high Canadian taxes could tempt firms and skilled workers to relocate south. Ottawa is well aware of the potential risk, the OECD stated.

Statistics Canada told *Maclean's* that the number of people leaving the country is anywhere from 12,000 to 20,000 per year, including highly trained engineers and high-tech workers. That is in addition to the approximately 9,770 workers who permanently emigrated in 1996, giving notice of their intention never to come back. In return, we gained 3,500 U.S. citizens out of a population of 300 million. Microsoft has a standing offer of employment for every graduate from the computer science program at the University of Waterloo, 80 per cent of whom leave Canada every year.

Mr. Desmarais, a Quebec businessman and a close friend of the Prime Minister, I am sure, said recently:

Intelligent and ambitious Canadians have no choice but to immigrate to the U.S. because Canadian taxes are exorbitant.

He asked: "Can you blame them?"

He points out that this is a brain drain, as well as a drain of potential income for Canada. He said that when the government is too greedy, people find other solutions.

Vancouver businessman Jim Pattison, in a March 16 article in the *National Post*, was quoted as having said that high taxes drive Canada's best and brightest to the United States:

It's a big and growing problem. We're just not competitive with tax rates...

Good people are leaving the country. It's the people that are making the investment decisions, the people who are creating the jobs that we're chasing out of town.

Mr. Bryden, the President of the Ottawa senators, has lobbied hard to show that taxes and the low Canadian dollar are killing professional sports, namely, hockey in Canada. Taxes. He has spoken about real estate taxes. His 1998 tax assessment was \$4.5 million. He appealed that assessment. Yesterday, he received a response from the government which purports to increase the assessment to \$7.2 million. He has pointed out that retail sales taxes and entertainment taxes cost his team \$5.6 million, while the GST costs him \$5 million. The highway surcharge levied on his team is \$2.1 million. Large corporation and capital taxes cost him \$1.1 million. The team's non-residential withholding taxes amount to \$450,000.

The majority of the other teams in the NHL pay no sales tax or very little. All U.S. teams combined paid \$2.2 million in capital and real estate taxes last year, which means all of them combined paid a lot less than he paid on his own stadium. It is no wonder that businesses are leaving the country.

We talked earlier today about culture and writers and how we will protect Canadian magazines. Yet, we are losing entertainers, artists and athletes to the United States and Great Britain. In the 1970s, people wanted to leave Great Britain. Now, people want to move there because the taxes are lower than they are in Canada.

While we struggle with ineffective tax subsidies and tax breaks, we are losing these people to the United States. We are losing their most important assets — their money and their presence. When Shania Twain takes up residence in the United States, we will be losing an artist who fills the Corel Centre two nights in a row.

I do not blame these people for moving from Canada. They are doing so because it costs them millions of dollars extra to live here. It is not that they do not want to live here. In this new environment that we have, it is just as easy to do business living in Canada as it is living in the United States. All our extremely talented actors, directors and producers who can make it in the big leagues all take up residence in the United States for the same reason.

Yet, here we are, arguing about a 3 per cent surtax and small minimum tax breaks for people. People are having a difficult time. Our savings are going down. There is no money left over.

• (1630)

We consider a salary of \$60,000 a year to be a high income, and we tax it at a rate of 50 per cent. In the United States, a high income is \$200,000. Why is it considered a high income? Because it is a high income, whereas \$60,000 is not. That is the level at which they are taxed at 50 per cent, and that is U.S. dollars. We wonder why we have a problem with productivity and we wonder why we have a problem with savings. Our savings rate is one-half of what it is in the United States. That will affect productivity and small business.

All I can say to end this speech — because it is at an end — is that while we spend a billion dollars trying to save the CBC, we will lose professional hockey in Canada. Professional hockey inspires young Canadians all over Canada — men and women — to play hockey. There is nothing that binds our country together more than that game — that wonderful game that we play on ice, on ponds and creeks and rivers and in stadiums all across the country. I will take that game over every CBC station in Canada, because that game is important to the country. It will be easy to watch it because CTV will run it.

TSN has a greater cultural influence on this country than the CBC does. They broadcast junior games, they broadcast university games. They — not the CBC — give us culture. They give us all the sports that CBC has ignored over the years. Our young people are shown much more often on stations that are private in nature than on the stations that we subsidize by \$1 billion. Junior hockey could never get on the CBC, but it is on TSN. University volleyball and hockey are on the sports networks, not on CBC.

Frankly, honourable senators, I do not think any Canadian will miss the CBC.

Paul Martin has given us a budget in which we should be highly disappointed, and we should be extremely concerned about what our taxes and our tax system are doing to the country. We should be very concerned for our young people — our children and our grandchildren — and we should take some action so that they can succeed and find a career in Canada and not have to go south of the border or across the ocean.

Hon. John B. Stewart: Honourable senators, I said yesterday that I had some points that I wished to have clarified by Senator Tkachuk. They add up to three.

Let me start with a relatively minor one. He said yesterday — and he said it again today — that the fact that the savings rate in Canada is low is evidence that taxes are too high in Canada, with the result that Canadians are leaving Canada for the United States. However, is it not true that the savings rate in the United States is at an all-time low? Does this mean that taxes are too high in the U.S.? If saving rates are so low in Canada, why is it that people are going to the United States where the savings rates apparently are even lower?

Senator Tkachuk: Honourable senators, the savings rate in the United States is twice ours. I do not expect that our saving rate will be higher than before, because our interest rate is lower, and that is a good thing. At the same time, our present savings rate in Canada is one-half of what it is in the United States. I did not give that as a reason, as Senator Stewart implied, for why people are leaving the country. I think savings are a strong economic indicator because the rate shows whether people have some cash left over to put aside for the future, so that people can borrow and banks can exist and all of those good things that go along with multiples can happen. Our savings rate is one-half of what it is in the United States. That is all I said. I did not give it as a reason as to why people are leaving the country.

Senator Stewart: I wish to have, at a convenient opportunity, the honourable senator's documentation on the actual rates. He seems to be saying that the savings rate in Canada is low because people do not have money. Perhaps some are spending the money they have on vacations in Florida, just to take a minor example. I do not know that the savings rate is all that conclusive, even as one item of evidence.

Let me go to my second question, honourable senators.

Again and again in his speech yesterday, the honourable senator complained about high taxes of various kinds in Canada, such as gasoline taxes, et cetera. Let us stick to the federal taxes. If we keep the deficit under control and thus the debt under control, which of the major spending programs will the honourable senator abolish? For example, will the honourable senator get rid of equalization? I am from Nova Scotia; we rely greatly on equalization. The honourable senator from Saskatchewan; which I gather is not dependent on equalization. What about medicare? That is to go, presumably, as well as assistance for post-secondary education. I shall stop with those three. What is the other side? Where will the honourable senator make the savings which will permit your drastic cut in taxes?

Senator Tkachuk: Honourable senators, a number of years ago, I published a list of government departments, along with grants and subsidies, that I would like to see abolished. I also thought there could be great reductions in the civil service. Some of those actions have taken place under this government, and it seems to have been at no great pain to the country. However, I do not believe that a reduction in taxes means a decrease in revenue. In the United States, President Kennedy showed that, when he decreased taxes, he increased revenue. President Ronald Reagan decreased taxes and greatly increased revenue in the United States. When President Bush increased taxes during a recession, it exacerbated the recession. I do not buy the Liberal argument that the cash taken from a government till disappears. It goes into peoples' pockets. That cash still remains in the country and contributes to the gross domestic product, where it is more efficiently spent than if it were transferred to the government and spent somewhere else.

Senator Stewart: The honourable senator seems to be saying that the deficit in the United States has gone down more rapidly than the deficit in Canada, and that the debt in the United States has been reduced at a more rapid rate than in Canada. Is that the implication of your trickle-down argument?

Senator Tkachuk: Honourable senators, I am not implying anything except that taxes are too high. People are voting with their feet. They are leaving the country. That is a concern for parliamentarians, for parents, and for people throughout the country. Why are people leaving the country? Are they leaving the country because they are hoping to find a better place to live? I do not believe so. They are leaving for economic reasons, and part of that is the fact that we have some of the highest taxes in the western economies.

Senator Stewart: Surely, the honourable senator will admit that those in certain forms of endeavour will be attracted to

centres with major populations and with established traditions. For example, I suspect that a Canadian actor might very well be attracted to Hollywood, or that someone interested in theatre might well be attracted to London. We have a country that is sparsely populated, and I do not think it surprising that people who want to play in "the big league" should go to the centres of the big league. The honourable senator seems to think that is wrong, but that is not why I rose this third time.

The Hon. the Speaker: Honourable Senator Stewart, we are getting into a debate. Can we have direct questions, please.

• (1640)

Senator Stewart: Honourable senators, I have one further question.

When we talk about the debt, should we not take the inflation of past years into account? It used to be that governments, regardless of their stripe, would run up debt intending to monetize it — in other words, to melt it down, as ice cream melts down, by inflation. We work to eliminate inflation, but that has made it more difficult for governments, whether in Canada or the United States, to deal with their debts. Inevitably in that situation there will be difficulty. I did not hear my honourable friend mention that point. He mentioned many, so perhaps I should not hold him accountable on this one. However, in his analysis, he ought to take into consideration that very serious point.

Senator Tkachuk: Honourable senators, I could have spoken for 90 minutes on this issue, but I was only given 15 minutes. By the kind consideration of the Senate, I was given a little more time. I could have addressed all of these problems.

I am not an economist. All I know is that the province of Alberta has the lowest taxes in Canada. The province of Saskatchewan has some of the highest taxes in Canada. Saskatchewan lost 4,000 jobs last year, while the province of Alberta gained 50,000 net jobs. The province of Manitoba, which has lower taxes, gained 20,000 jobs. The province of Ontario, which a number of years ago was a basket case under the NDP and Liberal administrations, is now one of the strongest economies and is a net gainer when it comes to jobs. I think there is a lesson there for the federal government and for Paul Martin, and they should have a look at it.

Hon. Pierre De Bané: Honourable senators, my friend is very much struck by the fact that some Canadians, between 15,000 to 20,000 — particularly university graduates — migrate to the United States every year. However, he does not seem to be struck by the fact that roughly the same number of American university graduates migrate to Canada. That movement occurs in both directions.

Senator Stewart said that we can reduce taxes in Canada, but what programs would you cut? He suggested that the honourable senator's province does not benefit from equalization payments. Well, it does. I see on that side of the chamber my good friend Senator Simard, a former minister of finance for

New Brunswick, who can explain to you the importance of that concept. I also see on that side of the chamber my colleague Senator Keon, one of the most competent cardiac surgeons in North America. He was offered millions to practice his profession in the United States. He said, "No, I wish to work in Canada." There are other values that make our society stick together.

My honourable friend's point is well taken — we must have a system that encourages personal initiative and creates a more human society with central values.

Senator Tkachuk: Honourable senators, I went through all of the taxes we have and made fun of some of them. I tried to show how deep the tax knife has cut into the salaries of Canadian citizens.

People talk about human values and the values of Canadians. I do not disagree with those values. I love this country, and that is why I am speaking here today. I do not wish to disassemble the country. However, I think a little differently. Liberals seem to speak as if the money belongs to the government. I speak of that money as belonging to the people of Canada, and it should always be justified as to why it is being removed from the pockets of Canadians and spent somewhere else. When taxes take 50 per cent of a \$59,000 salary, it is time for governments to justify why they are removing so much income from the people of Canada. It is most unfair.

Hon. Nicholas W. Taylor: Honourable senators, I should like to ask my honourable friend a question with respect to his voodoo economics, which I found hard to follow, except that he does not tax the rich. He seems to be saying that we should get our money from the poor because they do not know what to do with the money anyhow.

I was interested in his statement that hockey is a great thing and should be subsidized; the CBC is bad and should not be subsidized. However, he watches everything on TSN, which is an American network broadcasting our national game. My honourable friend is quite happy with that. My friend then mentioned that he would be in favour of letting CTV cover hockey.

Does my honourable friend opposite believe that the law should be changed in such a way that Americans could buy out CTV to be like TSN so that we could then watch our subsidized hockey games?

Senator Tkachuk: Honourable senators, I missed all of that. Not only did the honourable senator make up a whole bunch of stuff about my speech, things I did not say, I did not understand his question.

Senator Taylor, we have to go west soon.

Senator Taylor: Honourable senators, I could repeat my question, but I have a hunch my colleague would miss it the second time, too.

[Translation]

Hon. Jean-Maurice Simard: Honourable senators, when the Minister of Finance, the Honourable Paul Martin, first indicated that the federal government had finally eliminated the budget deficit, he also suggested that the government would no longer return to its profligate ways and no longer pursue the policies that produced decades of debt accumulation. If only he were right.

The 1999 federal budget is, in many ways, a return to past practices. What the minister had done, however, is to create a screen masking that turnabout. Never before have federal budgets lacked transparency as this one does. And as we all know, once transparency is lost, accountability will fall by the wayside as well.

One of the features of the budget the federal government is congratulating itself on is its prudent economic forecasts, its establishment of a contingency reserve. What was once viewed as a measure of caution, is now viewed cynically as "cooking of the books" to enable the minister to hide the true state of government finances and a way by which he can manipulate the net effect of the budget to suit the government's needs.

Honourable senators, as you will have noticed, I am having difficulty speaking, only temporarily I hope. As agreed by the leadership of the two political parties in this house, I would invite my colleague from New Brunswick, Senator Kinsella, to finish reading my text.

The Hon. the Speaker: Honourable senators, under the circumstances Senator Simard has spoken to me about, Senator Kinsella, with the consent of the Senate, may continue the speech. Is leave granted honourable senators?

Hon. Senators: Agreed.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition — speaking on behalf of Hon. Senator Simard): Honourable senators, we all know that even though the minister predicts a balanced budget for the next fiscal year, there will be a surplus of some \$8 billion to \$10 billion — no one is fooled any more. Unfortunately, he uses the budget as an opportunity to squander the better part of any surplus to be able to demonstrate the accuracy of his previous budgetary projections.

The economy of New Brunswick, like that of the rest of Atlantic Canada, has tended to lag behind that of the rest of Canada. This remains true today. According to a study by the economic research service of the Bank of Montreal, New Brunswick's cumulative economic growth for the period between 1998 and 2000 should lag behind that of all of Canada by two full percentage points. Based on the 1998 GDP, this is a loss of \$360 million in output. Compared to that of Ontario, the economic forecast for New Brunswick is much more sombre. After three years, the gap in economic growth is expected to reach 4.6 per cent. As a result of this, New Brunswick's unemployment rate will not fall below 11.4 per cent, even in the year 2000. In the year 2000, the unemployment rate is expected to be about 44 per cent greater than the national average, as it is today.

More significantly, however, is the conclusion by the bank that the population of New Brunswick is in decline, for the first time since the Second World War. Demographic conditions are not expected to improve significantly in the near future.

In many respects, these demographic conditions are an indication of poor economic health and pessimism as to the province's future. New Brunswickers are leaving the province because they see better opportunities elsewhere. Canadians outside the province and people outside the country are not being attracted to New Brunswick.

And despite the efforts of local business and the provincial government, roadblocks are being placed in the way of policies designed to counter this negative perception. What might such roadblocks be?

The primary roadblock to economic growth and development is the tax system. Economic growth is fed by innovation, and innovation is an inherently risky endeavour. The tax system is unfriendly to risk taking. Not only do we have high rates of personal income taxes in Canada — they consume 30 per cent in GDP more than they do in the United States, our major competitor for goods and services, capital and labour — our capital gains tax rate has been increased steadily throughout the past decade. In the 1980s, 50 per cent of capital gains were included in income for the purposes of taxation, as opposed to 75 per cent today. This means that the capital gains tax facing entrepreneurs and innovators is almost double that in the United States. Yet it is precisely this entrepreneurial spirit and innovative activity that is vital to provinces like New Brunswick. It is one thing to talk about the success of McCain Foods and the \$750 million expansion to the Saint John refinery by Irving Oil, but how many similar projects have been stifled by the high tax policy of the federal government?

Provinces such as New Brunswick, with relatively weak tax potential, will always have tax rates above the average. However, they need not be excessive. What makes the New Brunswick tax rate excessive is the high level of federal tax. Let us have a look at some reasons for this.

The first place to look is the role of inflation on the tax system. While the tax system is partially indexed, providing protection against general price increases in excess of 3 per cent per year, with our low rates of inflation since 1992, the personal income tax system has been effectively de-indexed. Even low rates of inflation provide the federal government with large sums every year. According to the Organization for Economic Co-operation and Development (OECD), partial indexation since 1988 has caused the effective federal tax rate to increase by 13 per cent. It has trebled the average tax rate for those with incomes below \$10,000 per year and has increased the average tax rate by one-third for those earning between \$10,000 and \$25,000 per year. It pushed 1.4 million low-income individuals onto the tax rolls and pushed 1.9 million individuals from the lowest tax bracket into the middle bracket. At 26 per cent federal rate, this middle bracket has a marginal tax rate which

is virtually the same as that for the highest income-earning Canadians — 29 per cent.

[English]

•(1650)

This lack of full indexation is a veritable gold mine for the federal government. It is today receiving in excess of \$8 billion per year from this stealth tax.

The government has, of course, taken some steps to ease the tax burden on Canadians. It has raised the amount of income that individuals and families can earn before paying tax and has argued that these increases in the basic personal and spousal credits are greater than that which a restoration of indexation would have produced. While this is true, the government fails to tell the whole story. Its initiatives go only part way to offsetting the impact of inflation on the tax system, leaving unaffected the thresholds at which higher tax brackets take effect.

[Translation]

It is this stealth tax that hinders job creation and keeps all of Canada, but particularly the poorer regions, from achieving their full potential. Moreover, the fact that the tax cutting initiatives announced in this budget do not take effect until July 1, 1999, suggests a grudging recognition that high taxes are a problem. In addition, the CPP reforms brought in a year ago, coupled with the excessively slow reduction in EI premiums have the combined impact of increasing the cost of hiring new workers. And the fact that both taxes have a disproportionately large effect on lower-wage workers, means that the negative effects will affect Atlantic Canada to a greater extent than the rest of the country.

[English]

While the government continues to make life more difficult for the people of the Maritimes, what do we hear but voices suggesting that professional sports teams with franchises in Canada be given preferential tax treatment? This amounts to demanding that the people of the Maritimes pay for the upkeep of teams of millionaires in Ottawa, Toronto and elsewhere. That is insane.

There are those, including Mr. Rod Bryden, owner of the Ottawa Senators, who say that professional teams are simply asking to be given the same treatment as other industries that benefit from tax brakes. Before they start comparing themselves to the industrial sector, the people in professional sports should think about the fact that industries create jobs, control their expenditures, and control their employees' salaries.

•(1700)

I have researched this issue thoroughly. I have read a number of reports, including the report by the parliamentary committee chaired by Mr. Dennis Mills. I do think the question deserves to be discussed in greater depth to determine what role, if any,

government should play with regard to professional sport. For example, I am not necessarily opposed to the idea of a municipality taking special measures to attract a team if it deems that the spinoffs from the team's presence are worth it.

However, the federal government must certainly not give in to pressure from lobbyists without knowing more about the whole question, at a time when it is still dragging its feet on solving the underlying problems of Canada's economy, in particular, the historic disadvantage suffered by the economy and people of the Maritimes.

[Translation]

It is one thing to reform the employment insurance system to make it more efficient and save money. However, when the government fails to reduce EI premiums in line with reduced program costs, it is merely exploiting a program designed to assist workers so as to provide itself with more fiscal room to manoeuvre. As Mr. Yvon Godin, the Member of Parliament from Acadie—Bathurst put so well, the government has converted a trust fund into a slush fund. A witness to his inquiry said it all:

The government is wrong when it says that ... workers become dependent on Unemployment Insurance. It's rather the Minister of Finance, Paul Martin, who is dependent on the Unemployment Insurance fund, because without it, the deficit would still be there, and his budget would show a deficit and not a surplus.

Now in excess of \$20 billion, the EI Account continues to grow unjustifiably, simply because the government has become addicted to the revenue that this program brings in every year. As Mr. Godin again points out, more EI money is going into the surplus than is going into the hands of unemployed workers in this country. Surely, no one could argue that this is the purpose for which the program was created.

I would like to take this opportunity to congratulate MPs Yvon Godin and Angela Vautour of the New Democratic Party for the efforts they are making to defend their fellow citizens in New Brunswick.

[English]

If we really want some day to solve the economic problems faced in this part of the country, it is absolutely essential that all political parties, all levels of government, businesses and unions work together.

I wish to propose the holding of a Maritimes economic summit that would bring together all stakeholders in a search for comprehensive and sustainable solutions to the region's socio-economic problems. Together we can find such solutions.

[Translation]

As I said earlier, taxes in New Brunswick are high in large measure because the federal component is high. Provincial taxes are also higher than they should be because of the significant

decline in federal transfers to the provinces, which need to be compensated for by either higher provincial transfers or lower program spending. Much is made, for example of this budget's \$11.5 billion increase in transfers for health care and the higher equalization entitlements that were announced in the budget. Yet even with all this, the provinces will still be receiving far less in transfers in the future than they did in the past. In 1993-94, for example, New Brunswick received \$760 million in EPF and CAP entitlements. In 2003-04, it will receive only \$746 million under the CHST. And if we look only at the cash component, of these transfers, that province will receive in 2003-04, 28 per cent less than it received in 1993-94.

It is vital that a national government provide a commitment to economic growth and development for the entire nation. This government has failed to do that. It has imposed an enormous burden on the Atlantic region through its deficit cutting measures. And as the federal government has withdrawn from its leadership role, it has failed to provide the provincial governments with the tools with which they could undertake this role instead. This is truly ironic. In 1993, this region delivered all but one seat to the Liberal Party. The region was repaid by an economic betrayal in which the federal government withdrew hundreds of millions of dollars from the region, failed to provide any measures to develop the region and denied local governments the means by which they could address their economic malaise.

[English]

The federal government is misusing the concept of prudent budgeting to the extent that Canadians no longer know the true state of the government's fiscal position. More important, however, the process that the government is following, designed to minimize the surplus at the end of any fiscal year, is distorting the government's priorities, leading to bad economic policy.

In a sense, the Minister of Finance has become the ultimate bureaucrat. We have heard all the stories about government departments, flush with cash near the end of a fiscal year, that struggle to spend the funds knowing that, if they do not, they will lose access to those funds. Bureaucrats spend money inefficiently and unwisely and in ways that do not support the public policy goals which they are supposed to advance. In effect, they spend money because they have the money to spend.

The minister is doing precisely the same thing, but he is doing it with sums that free-spending bureaucrats could only dream of. Last year, he added \$5.5 billion in one-time spending programs to keep the surplus at \$3.5 billion. He did so by booking \$2.5 billion for the Canada Millennium Scholarship Foundation; \$800 million for hepatitis C victims; \$350 million for the Aboriginal Healing Strategy; and \$1.8 billion with respect to change to accounting practices for assistance to international financial institutions.

This year he is doing the same. He added a total of \$4.2 billion in one-time spending to the 1999 budget for the fiscal year 1998-99. This is comprised of \$3.5 billion for the CHST supplement, which is to be disbursed to the provinces in this

fiscal year. To that, he added \$200 million for the Canada Foundation for Innovation; \$200 million for other health initiatives; \$200 million for international assistance; and \$100 million in other spending.

Prior to the budget, the government announced another \$1 billion in spending: \$400 million for the Canadian Fisheries Adjustment and Restructuring Program and \$600 million for the Agricultural Income Disaster Assistance Program.

Some of these may be good programs but their need and efficacy are not the driving force behind them. Instead, it is their impact on the budget's bottom line that matters most. These one-time measures average more than \$5 billion per year. They are designed specifically to erode fairly substantial pre-budget surpluses, even though the ultimate disbursement of funds to individuals, institutions or provinces may not take place for several years.

As the C.D. Howe Institute notes, the tendency to employ this kind of one-time initiative to lower the reported surplus has the effect of biasing initiatives against tax cuts and into program spending and, in particular, into program spending of the type that can be delivered through some sort of foundation or fund.

Decisions are being made not on the basis of good policy but on the basis of what will produce the desired accounting result. Surely, this is not a recipe for good policy.

• (1710)

In conclusion, honourable senators, Mr. Martin tells anyone who will listen that he and the Chrétien government have made hard choices in planning the country's finances. He is quite right. The Chrétien government made the choice to waste \$1 billion of taxpayers' money on the Pearson airport fiasco. It made the choice to impose gun control legislation at a cost of \$300 million, and climbing, when it was predicted to cost no more than \$60 million. It made the choice to cancel the contract for new helicopters on purely partisan and vote-getting grounds, and then decided to purchase the same helicopters after all. Disguised thereby, squandering millions of dollars of the taxpayers' money, the government made the choice to reduce its deficit by looting \$20 billion from the Employment Insurance Fund. Yes, this government has made choices all right.

[Translation]

By nature, state budgets are political documents. However, more important, they are designed to dictate the thrust of government policies, which should be aimed at improving the well-being of our citizens and our society.

However, the government in place increasingly politicizes the budget process and makes decisions not aimed at improving the

well-being of Canadians, but at achieving the budget results that the minister would like to see. This is why we have a deficit reduction program that does not take into account the impact that it may have on the poorest regions of the country. We also find ourselves with an employment insurance program that puts more money into the government's coffers than into the pockets of the unemployed. We have a government that commissioned a major study on Canada's corporate tax system, only to shelve it because it does not provide the answers that it expected. We have a government that works very hard at playing fast and loose with the financial books, so as to get the results that it seeks.

Honourable senators, we are on the eve of a new millennium and a new budget landscape is taking shape. Chronic indebtedness is, fortunately, a thing of the past. Yet, if we look at the government's attitude, we can only conclude that it is once again very tempted to implement policies such as those which led us to the budget problems that we are all aware of.

On motion of Senator Carstairs, for Senator Graham, debate adjourned.

[English]

ASIA-PACIFIC REGION

REPORT OF FOREIGN AFFAIRS COMMITTEE ON STUDY— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Stewart calling the attention of the Senate to the eighth report of the Standing Senate Committee on Foreign Affairs entitled: "Crisis in Asia: Implications for the Region, Canada and the World."—(*Honourable Senator Andreychuk*)

Hon. Mabel M. DeWare: Honourable senators, as we are coming down to the wire on inquiry No. 50, I should like to say that this inquiry on the eighth report of the Standing Senate Committee on Foreign Affairs entitled: "Crisis in Asia: Implications for the Region, Canada and the World," is important at this time. We have another speaker who would like to speak to it. I should like to have the order stand in the name of Senator Andreychuk.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

FOREIGN AFFAIRS

CANADA'S POLICY AND INTERESTS IN RUSSIA, UKRAINE
AND THE CASPIAN SEA REGION—COMMITTEE AUTHORIZED
TO STUDY—NOTICE OF MOTION AMENDED

On the Order:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on Canada's policy and interests in Russia, Ukraine and the Caspian Sea region;

That the committee have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of the said order of reference;

That the committee have power to adjourn from place to place inside and outside Canada; and

That the committee submit its final report no later than March 31, 2000 and that the committee retain all powers necessary to publicize the findings of the committee contained in the final report until April 22, 2000.

Hon. John B. Stewart: Honourable senators, I should like to ask His Honour to delete paragraphs 2 and 3 of the proposed motion. Subject to the deletion of those two paragraphs, I move the motion.

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Stewart, seconded by the Honourable Senator Pélissier:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on Canada's policy and interests in Russia, Ukraine and the Caspian Sea region;

That the committee submit its final report no later than March 31, 2000 and that the committee retain all powers necessary to publicize the findings of the committee contained in the final report until April 22, 2000.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, March 23, 1999, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (1st Session, 36th Parliament)
 Thursday, March 18, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications	98/04/02	four	98/05/27	98/06/18	20/98
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20	98/06/11	12/98
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16	98/05/12	06/98
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11 Senate agreed to Commons amendments 98/05/06	98/05/12	09/98
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce	98/02/24	one	98/03/19	98/06/11	13/98
S-16	An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	98/05/05	98/05/12	Foreign Affairs	98/05/28	none	98/06/02	98/12/03	33/98
S-21	An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts	98/12/01	98/12/03	Whole	98/12/03	one at 3rd	98/12/03	98/12/10	34/98
S-22	An Act authorizing the United States to preclear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health	98/12/01	99/02/11	Foreign Affairs					

S-23 An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to the International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier

98/12/10

99/02/03

99/03/11

Transport and Communications

99/03/16

none

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-3	An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts	98/09/30	98/10/22	Legal and Constitutional Affairs	98/12/08	none	98/12/09	98/12/10	37/98
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18	98/02/26	Agriculture and Forestry	98/05/14	five	98/05/14	98/06/11	17/98
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce	98/02/24	none	98/02/25	98/03/31	01/98
C-6	An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts	98/03/18	98/03/26	Aboriginal Peoples	98/06/09	none	98/06/18	98/06/18	25/98
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-8	An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas	98/03/17	98/03/25	Aboriginal Peoples	98/03/31	none	98/04/01	98/05/12	05/98
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and repealing and repealing other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	36/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	Social Affairs, Science & Technology	98/06/04	none	98/06/08	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	Transport and Communications	98/06/10	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	none	97/12/17	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	Transport and Communications	98/03/25	none	98/04/29	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs	98/04/02	none	98/04/28	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	Social Affairs, Science & Technology	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/09/24	98/11/17	Banking, Trade and Commerce	98/12/03	none + two at 3rd	98/12/10 <i>Commons amendments referred to Committee 99/02/11</i>	99/03/11	02/99
C-21	An Act to amend the Small Business Loans Act	98/03/19	98/03/25	Banking, Trade and Commerce	99/02/16 <i>concur in Commons amendments</i>	none	98/03/31	98/03/31	04/98

C-22	An Act to implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04	—	—	—	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97
C-25	An Act to amend the National Defence Act and to make consequential amendments to other Acts	98/06/11	98/06/18	Legal and Constitutional Affairs	98/11/24	one	98/12/01	98/12/10	35/98
C-26	An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act	98/06/08	98/06/16	Agriculture and Forestry	98/06/18	none	98/06/18	98/06/18	22/98
C-28	An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act	98/04/28	98/05/12	Banking, Trade and Commerce	98/06/04	none	98/06/16	98/06/18	19/98
C-29	An Act to establish the Parks Canada Agency and to amend other Acts as a consequence	98/06/03	98/06/15	Energy, the Environment and Natural Resources	98/10/20	none	98/11/19	98/12/03	31/98
C-30	An Act respecting the powers of the Mi'kmaq of Nova Scotia in relation to education	98/06/11	98/06/16	Aboriginal Peoples	98/06/18	none	98/06/18	98/06/18	24/98
C-31	An Act respecting Canada Lands Surveyors	98/05/07	98/05/26	Energy, the Environment and Natural Resources	98/06/09	none	98/06/10	98/06/11	14/98
C-33	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	98/03/18	98/03/25	—	—	—	98/03/26	98/03/31	02/98
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/03/18	98/03/26	—	—	—	98/03/31	98/03/31	03/98
C-35	An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act	98/12/07	99/02/17	Foreign Affairs					
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/17	98/06/18	21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04	98/11/18	30/98

C-38	An Act to amend the National Parks Act (creation of Tuktu Nogat National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10	98/12/10	39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/06/09	none	98/06/10	98/06/11	15/98
C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs					
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance	99/02/18	none	99/03/02	99/03/11	04/99
C-42	An Act to amend the Tobacco Act	98/12/02	98/12/08	Legal and Constitutional Affairs	98/12/10	none	98/12/10	98/12/10	38/98
C-43	An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence	98/12/08	99/02/10	National Finance	99/03/18	none			
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	28/98
C-46	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	29/98
C-47	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	98/06/11	98/06/16	Banking, Trade and Commerce	98/06/17	none	98/06/18	98/06/18	23/98
C-49	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management	99/03/09							
C-51	An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act	98/11/18	98/12/03	Legal and Constitutional Affairs	99/03/04	none	99/03/09	99/03/11	05/99
C-52	An Act to implement the Comprehensive Nuclear Test-Ban Treaty	98/10/20	98/10/28	Foreign Affairs	98/11/18	one	98/11/24	98/12/03	32/98
C-53	An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses	98/11/25	98/12/02	Banking, Trade and Commerce	98/12/08	none	98/12/09	98/12/10	36/98
C-55	An Act respecting advertising services supplied by foreign periodical publishers	99/03/16							
C-57	An Act to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence	98/12/07	98/12/10	Legal and Constitutional Affairs	99/02/18	none	99/03/02	99/03/11	03/99
C-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02	99/02/11	Transport and Communications	99/03/17	none	99/03/18		
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce	99/02/16	none	99/02/18	99/03/11	01/99
C-60	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/12/02	98/12/08	—	—	—	98/12/09	98/12/10	40/98

C-61	An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof	99/03/16	99/03/18	Social Affairs, Science & Technology	
C-65	An Act to amend the Federal-Provincial Fiscal Arrangements Act	99/03/11	99/03/16	National Finance	
C-73	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	99/03/17			
C-74	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/03/17			

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-208	An Act to amend the Access to Information Act	98/11/17	99/02/11	Social Affairs, Science & Technology	99/03/11	none	99/03/16		
C-220	An Act to amend the Criminal Code and the Copyright Act (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs	98/06/10 adopted	recommend Bill not proceed			
C-410	An Act to change the name of certain electoral districts	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	two	98/06/09	98/06/18	27/98
C-411	An Act to amend the Canada Elections Act	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	none	98/06/09	98/06/11	18/98
C-445	An Act to change the name of the electoral district of Stormont-Dundas	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	07/99
C-464	An Act to change the name of the electoral district of Sackville-Eastern Shore	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	08/99
C-465	An Act to change the name of the electoral district of Argenteuil-Papineau	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/09	99/03/11	06/99

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					
S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology	98/04/30	two		Dropped from Order Paper pursuant to Rule 27(3) 98/10/01	

S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03	none	referred back to Committee 98/09/24
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/12/09 98/06/04	one one	98/06/09
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10	98/05/06	Legal and Constitutional Affairs			
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)	98/02/26	98/04/02	Social Affairs, Science & Technology	98/05/14	seven + two at 3rd	98/06/10 <i>Bill withdrawn pursuant to Commons Speaker's Ruling 98/12/02</i>
S-14	An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)	98/03/25	98/03/31	Aboriginal Peoples			
S-15	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	98/04/02	98/06/09	Legal and Constitutional Affairs	98/06/18 report withdrawn 98/12/08	four	<i>Bill withdrawn 98/12/08</i>
S-17	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	98/05/12	98/06/02	Legal and Constitutional Affairs			
S-19	An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestal)	98/06/18					
S-24	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Beaudoin)	99/03/03					
S-26	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/03/10					
S-27	An Act to amend the Canada Elections Act (hours of polling at by-elections) (Sen. Lynch-Staunton)	99/03/16					

PRIVATE BILLS

S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.)	98/06/17	Dropped from Order Paper pursuant to Rule 27(3) 98/11/17		
S-20	An Act to amend the Act of incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (Sen. Taylor)	98/09/23	98/10/29	Social Affairs, Science & Technology	98/12/09
S-25	An Act respecting the Certified General Accountants Association of Canada (Sen. Kirby)	99/03/04	98/12/03	three	

CONTENTS

Thursday, March 18, 1999

	PAGE		PAGE
SENATORS' STATEMENTS		Senator Murray	2832
International Francophonie Day		Senator Di Nino	2833
Senator Poulin	2828	National Defence	
Senator Comeau	2828	Accumulation of Unpaid Bills—Shortfall in Army Budget Due to Expenditures for Disaster Relief—Government Position.	
Human Rights		Senator Forrestall	2833
International Day for the Elimination of Racial Discrimination.		Senator Graham	2833
Senator Oliver	2828	Canadian Forces Budget Shortfalls—Request for Answers to Order Paper Questions. Senator Forrestall	2833
Senator Butts	2829	Senator Graham	2833
Senator Di Nino	2829	Human Rights	
International Year of Older Persons		International Convention for Elimination of Racial Discrimination—Possibility of Intervention on Behalf of Dissidents in Cuba—Government Position. Senator Andreychuk	2833
Senator Ferretti Barth	2830	Senator Graham	2834
Senator Kinsella	2830	Improvement of Situation of Democracy in East Timor—Role of Government. Senator Di Nino	2834
<hr/>		Senator Graham	2834
ROUTINE PROCEEDINGS		Religious Freedom in Tibet Under Chinese Occupation—Government Position. Senator Di Nino	2834
Canada Customs and Revenue Agency Bill (Bill C-43)		Senator Graham	2834
Report of Committee. Senator Stratton	2830	Veterans Affairs	
Adjournment		Compensation Package for Merchant Marine Veterans—Government Position. Senator DeWare	2834
Senator Carstairs	2831	Senator Graham	2835
Foreign Affairs		Industry	
Notice of Motion to Authorize Committee to Study Changing Mandate of North Atlantic Treaty Organization.		Remarks of Minister on Problems with Productivity—Government Position. Senator Oliver	2835
Senator Lynch-Staunton	2831	Senator Graham	2835
Africa		Delayed Answer to Oral Question	
State Visit of Governor General to Ivory Coast, Tanzania, Mali and Morocco—Notice of Inquiry. Senator Corbin	2831	Senator Carstairs	2835
Role of Canadian Judicial Council		Human Rights	
Media Comments—Notice of Inquiry. Senator Cools	2831	Report of U.S. State Department on Record of Various Countries—Mention of Incidents of Arrests in Vancouver and Treatment of Aboriginals—Government Position.	
International Criminal Tribunal For Former Yugoslavia and Rwanda		Question by Senator Kinsella.	
Stance of Madame Justice Louise Arbour—Notice of Inquiry.		Senator Carstairs (Delayed Answer)	2835
Senator Cools	2832	Answers to Order Paper Questions Tabled	
International Position in Communications		Prime Minister's Office and Privy Council Office—Number of Officials Who Received Public Service Bonuses.	
Notice of Motion to Authorize Transport and Communications Committee to Extend Date of Final Report on Study.		Senator Carstairs	2836
Senator Forrestall	2832	Treasury Board—Scope of Public Service Bonuses Paid to Public Servants. Senator Carstairs	2836
<hr/>		National Finance—Canadian Forces Superannuation Account—Reasons for Appropriation—Government Position.	
QUESTION PERIOD		Senator Carstairs	2836
National Finance		Treasury Board—Scope and Magnitude of Public Service Performance Pay and Bilingual Bonuses Paid for 1995-96 and 1996-97. Senator Carstairs	2836
Canada Customs and Revenue Agency Bill—Cost of Speech-Writing in Support of Legislation—Application of Goods and Services Tax—Position of Chairman. Senator Kinsella	2832		
Senator Graham	2832		
Senator Stratton	2832		

	PAGE		PAGE
Visitors in the Gallery		Senator Murray	2843
The Hon. the Speaker	2836	Senator Lynch-Staunton	2844
<hr/>		Senator Kinsella	2844
ORDERS OF THE DAY		Senator Bolduc	2844
Railway Safety Act (Bill C-58)		Senator Spivak	2845
Bill to Amend—Third Reading, Senator Poulin	2836	The Budget 1999	
War Veterans Allowance ACT		Statement of Minister of Finance—Inquiry—Debate Continued.	
Pension Act		Senator Tkachuk	2846
Merchant Navy Veteran and Civilian		Senator Stewart	2847
War-related Benefits Act		Senator De Bané	2848
Department of Veterans Affairs Act		Senator Taylor	2849
Veterans Review and Appeal Board Act		Senator Simard	2849
Halifax Relief Commission Pension		Senator Kinsella	2849
Continuation Act (Bill C-61)		Asia-Pacific Region	
Bill to Amend—Second Reading, Senator Gill	2837	Report of Foreign Affairs Committee on Study—Inquiry—	
Senator Phillips	2838	Debate Continued, Senator DeWare	2852
Referred to Committee.	2840	Foreign Affairs	
Senator Murray	2840	Canada's Policy and Interests in Russia, Ukraine and the	
Foreign Publishers Advertising Services Bill (Bill C-55)		Caspian Sea Region—Committee Authorized to Study—	
Second Reading—Debate Adjourned, Senator Graham	2840	Notice of Motion Amended, Senator DeWare	2853
Senator Stewart	2843	Progress of Legislation	i



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CANADA

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1st SESSION

• 36th PARLIAMENT

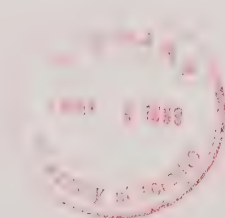
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OFFICIAL REPORT
(HANSARD)

Tuesday, March 23, 1999

—
**THE HONOURABLE GILDAS L. MOLGAT
SPEAKER**



CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, March 23, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

[English]

Prayers.

CANADIAN INTERCOLLEGIATE ATHLETIC UNION BASKETBALL CHAMPIONSHIPS 1999

CONGRATULATIONS TO
SAINT MARY'S UNIVERSITY HUSKIES ON WINNING

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw to your attention some distinguished visitors in our gallery. They are the Honourable Joseph Sempe Lejaha, President of the Senate of the Kingdom of Lesotho; and Honourable Ms Ntshoi Motsamai, Deputy Speaker of the National Assembly of Lesotho.

Hon. Senators: Hear, hear!

The Hon. the Speaker: On behalf of all senators, I bid you welcome to the Senate of Canada.

[Translation]

SENATORS' STATEMENTS

THE YEAR OF CANADIAN FRANCOPHONIE

Hon. Jean-Robert Gauthier: Honourable senators, the Government of Quebec was absent Thursday, March 18, from the ceremony marking the launch of the Year of Canadian Francophonie. I was terribly disappointed by the Government of Quebec's statement to the effect that Quebec cannot be considered part of Canadian Francophonie in the same way as the minority francophone communities elsewhere in Canada.

I think it deplorable that the Government of Quebec, through its Minister of Intergovernmental Affairs, Joseph Facal, can thus deny a million of its francophone cousins, who can only take offence at such an attitude.

No one is denying that Quebec is the heart of Francophonie in North America. We, the francophones of the Canadian diaspora, appeal to our Quebec friends not to isolate themselves in their province but rather to join with us in strengthening the francophone presence across Canada.

The festivities surrounding the International Year of the Francophonie are aimed at bringing together various francophone communities in a celebration of our language and culture.

In this context, it is unfortunate that this major event was given political overtones, and I encourage the Government of Quebec to reconsider its position.

Hon. Wilfred P. Moore: Honourable senators, I rise today to make a statement in recognition of the achievement of the men's varsity basketball team of Saint Mary's University of Halifax, Nova Scotia.

This past Sunday afternoon, the basketball Huskies, ranked number seven in the nation, won the Canadian Intercollegiate Athletic Union championship in a thrilling 73-69 overtime victory over the number one ranked Alberta Golden Bears in a tournament played before a crowded Metro Centre in Halifax. This marked the first time such title has been decided in overtime.

• (1410)

Saint Mary's last won this national title 20 years ago. Ross Quackenbush, coach of the Huskies, was a member of those 1978 and 1979 teams. It should be noted that Cory Janes of Middleton, Nova Scotia, who plays centre with the Huskies, was named most valuable player of this year's tournament.

As an alumnus and one serving on the board of governors of Saint Mary's University, it is with grace and pride that we savour this gutsy victory, a victory that also speaks well of the strength and spirit of our Atlantic Universities Athletic Association. This win is also a confirmation of the balancing of academic and athletic excellence at Saint Mary's, founded in 1802 and a university where tradition meets the future. We heartily congratulate Coach Quackenbush, his team and their legion of supporters.

We also extend our thanks and gratitude to Peter Halpin, a former varsity basketball player at Saint Mary's and a member of the Huskies 1973 national championship team, and his crew of unselfish volunteers for their commitment and hard work in organizing and convening this first-class national athletic event.

HUMAN RIGHTS

INTERNATIONAL DAY FOR THE ELIMINATION
OF RACIAL DISCRIMINATION

Hon. Erminie J. Cohen: Honourable senators, in recognition of March 21, the day designated to highlight racial discrimination, I speak to Article 4 of the Convention on the Elimination of All Forms of Racial Discrimination. Article 4 of the convention proscribes that, "...all propaganda...which are based on ideas or theories of one race or group of persons of one colour or ethnic origin or which attempt to justify or promote racial hatred and discrimination in any form..." shall be an "offence punishable by law."

That is an important commitment, and it warrants our attention. Canada, like all Liberal democracies, lays great store on the importance of freedom of thought and freedom of expression. However, all freedoms have outer limits where their use puts others at risk or unfairly libels them. That is why no one has the liberty to deliberately announce a false emergency or to besmirch the good name of a fellow citizen with lies. That is why it is not merely acceptable but essential that we have laws and policies aimed at curbing the dissemination of hateful notions.

Honourable senators, history has taught us how important it is to stop hate propaganda based on ideas or theories of the superiority of one race over another. Events during and after World War II, from Auschwitz to Bosnia and Rwanda, illustrate how important it is to prevent the peddling of hate from day one. Any given hate act violates not only the victim, but all members of the group, and exposes them to vilification and an increased risk of physical harm.

Statistics suggest that hate crimes have been on the rise in recent years. In his timely book, *Web of Hate*, Warren Kinsella extends our understanding of such crimes. B'nai Brith's audit of anti-Semitic activity indicates that such acts have increased 200 per cent in the last 10 years. In the City of Toronto, police reports indicate that hate crimes rose by 22 per cent in 1998 over the previous year.

The propagation of hate is targeted especially at youth, and this could have disturbing effects if not effectively countered. Hate mongering and hate crimes fly in the face of all that Canada has come to stand for.

The influence of the Internet and helping to spread the message of hate is a sinister medium. Are we to allow the marketers of hate to spread their venom using the latest in technology with impunity? It is encouraging to see that the Canadian Human Rights Commission has launched an Internet game aimed at young people to fight hatred based on others' race, religion or sexual preference, and that the commission has been using its statutory powers to prosecute some of those who abuse the Internet to fan the flames of racial and ethnic resentments.

The Kinsella book helps us to better understand that the far right is no mere amorphous bunch who deny that the Holocaust occurred. The question is: What can be done about them? In this context, I commend the Federation of Canadian Municipalities, a major organization representing about 600 municipalities and 70 per cent of Canada's population, for its strong resolutions on this issue. Hats off in particular to the mayors of Toronto, Regina, Halifax and other cities for their outspokenness.

The Government of Canada has not always taken the lead on this front, especially in recent years, though it was the Trudeau administration that adopted and promoted the idea of multiculturalism, and it was the Mulroney administration that passed the Multiculturalism Act in 1988. However, the present government has done much less to promote multiculturalism, and perhaps it has something to do with the polls that show weak

public understanding of and support for the concept. If this is the case, it is the case of placing expediency over principle.

Honourable senators, a good government has a role to educate and to lead, not be influenced by the polls. Multiculturalism is good public policy for a country as diverse as Canada and is one important way we meet our commitments under the convention, which we signed in 1966 and which came into force in 1970.

[Translation]

QUEBEC

Hon. Lise Bacon: Honourable senators, for some months I have been restraining myself from publicly expressing the considerable discomfort I experience witnessing the disgraceful spectacle in which the Parti Québécois and its leader, Lucien Bouchard, are engaged. Certain remarks made last week by the Quebec premier while in Paris, however, have made me overcome this reserve.

Unable as he is to offer anything new and stimulating to Quebecers and anxious as he is to camouflage the negligence of his government, in recent months the premier has been bringing up the memory of deceased Quebec politicians, who are unable to object to the way their names are being made use of. One former Quebec premier after another is being dredged up to defend a cause the current premier himself finds it hard to defend. The last one conscripted was Robert Bourassa.

This attempt to score political points from the memory of a man with whom I worked for 30 years is all the more repugnant when the person who does so is a premier whose senior advisor has not hesitated to attack Robert Bourassa.

Above and beyond this abuse of a person's memory, this entire affair is evidence of a certain malaise in Quebec. Lucien Bouchard is making use of the nostalgia Quebecers feel for Robert Bourassa, and no one can help feeling such nostalgia in light of the pitiful spectacle the government is putting on to disguise the PQ's lack of ideas and vision.

Instead of solving the problems in the health and educational fields, except by pouring a paltry few extra millions into some of the exhausted institutions, the premier prefers to promote his sovereignist option abroad, passing himself off as the champion of cultural diversity. No one was taken in by his little ploy. If the Bouchard government were really interested in protecting cultural diversity, it would have been present last week in Hull when the Year of the Francophonie was launched. How can anyone believe a government that boasts abroad that it celebrates diversity, while it shows itself incapable of doing so alongside the francophone communities of Canada?

Robert Bourassa would not have offered such an insult to the francophones of Canada. Nor would he have made use of an international forum to divert the attention of Quebecers from their true concerns.

[English]

JUDGE JAMES IGLOLIORTE

FIRST INUIT PROVINCIAL JUDGE OF NEWFOUNDLAND
AND LABRADOR—CONGRATULATIONS ON
HIGH ACHIEVEMENT AWARD

Hon. Bill Rompkey: Honourable senators, on March 11 in Toronto, 14 distinguished aboriginal people in this country were awarded recognition. These aboriginals displayed strong talent and high achievement in Canada's aboriginal communities. The Canadian Imperial Bank of Commerce was the founding sponsor.

I rise because one of those recipients was Judge James Igloliorte, the first provincially appointed Inuk judge in Newfoundland and Labrador. Judge James Igloliorte is a former student of mine, and those of you who have been or are teachers now will understand the special joy that comes from seeing a former student do well. This is a young man of ability, integrity, character, and a young man who, on the bench, has already made ground-breaking decisions on behalf of aboriginal people in Canada. I rise today to offer him my warmest congratulations, not simply as a judge and one of the few aboriginal judges in Canada, but as a role model for those young people on the Labrador coast who will come after him.

HUMAN RIGHTS

INTERNATIONAL DAY FOR THE
ELIMINATION OF RACIAL DISCRIMINATION

Hon. Terry Stratton: Honourable senators, I wish to continue with a statement along the lines of the one given by Senator Cohen. The signatories of the convention undertook to adopt immediate and effective measures, particularly in the field of technology, education, culture and information, to combat prejudices which lead to racial discrimination, and to promote understanding, tolerance, and friendship among nations and racial or ethnic groups.

• (1420)

We are pleased to note that Canada has taken several initiatives through its multicultural programs, as envisaged in the Canadian Multiculturalism Act adopted in 1988 at the initiative of Brian Mulroney, notably in what might be termed "public education." One important example is the March 21 campaign which seems to be reaching more and more Canadians, and even some persons abroad.

Also of note is the work of the League for Human Rights of B'nai Brith Canada which last year organized a conference aimed at understanding the problem of hate on the Internet, its human rights implications, and the options available to control its proliferation. One result was the development of the SchoolNet's Law Room. This Web site teaches students about law in general and hate crimes in particular and encourages youth across Canada to communicate and learn from each other about

diversity. They are able to enter the debating room on the site to discuss the issues with students from across Canada and around the world.

B'nai Brith Canada's international symposium on hate on the Internet brought together police officers and others who work on these problems, as well as members of the groups which are the targets of such propaganda. We applaud their efforts to stimulate the sharing of information and to have the parties develop legal, educational and community-based ways to remove hate discourse from the Internet.

The activities of the RCMP in the field of hate and bias crimes is also worth mentioning. In cooperation with other police organizations in Canada, the RCMP attempts to prevent, counteract, and eliminate hate crimes. The other organizations include the Canadian Association of Chiefs of Police and the Canadian Centre for Police – Race Relations.

Finally, we note that there are a few initiatives taken by the current government to combat hate crime. Among them are: conducting a review of international developments in the field and publishing the results, in 1995, in "Responding to Hate: An International Comparative Review of Program and Policy and Responses to Hate Group Activities"; producing a report, "Combating Hate on the Internet: An International Comparative Review of Policy Approaches," of January 1998; publishing the monograph "Standing up to Hate: Legal Remedies Available to Victims of Hate Motivated Activity — A Reference for Advocates," of September 1998; releasing publications, posting special materials on Internet Web sites, and supporting the issuance of a special stamp in honour of the fiftieth anniversary of the Universal Declaration of Human Rights.

These proactive and largely preventive efforts are salutary. They complement the work of the federal and provincial human rights commissions in dealing with complaints about racial discrimination and hate-mongering and should be redoubled.

Hon. Mabel M. DeWare: Honourable senators, I should like to continue on the discussion of the Convention on the Elimination of All Forms of Racial Discrimination.

The first articles of the Convention on the Elimination of All Forms of Racial Discrimination prohibit discrimination while calling for special measures, where required, to advance equality and human rights. In framing its human rights legislation and the Charter of Rights and Freedoms, Canada has taken heed of these principles. The possibility of adopting special measures as an essential but temporary response to a situation of clear disadvantage is provided for in both section 15 of the Charter and section 16 of the Canadian Human Rights Act.

Canada has pioneered a way of thinking about and implementing non-discrimination and special measures in the field of employment. Judge Rosalie Abella's concept of employment equity — a term intended to distinguish the Canadian variant from American affirmative action — is now the law in the federal jurisdiction. Based upon efforts to identify and

remove barriers to equal employment opportunity, and a willingness to adopt special measures where clearly warranted, employment equity is all about ensuring that the sources of discrimination are treated, not only the symptoms.

The Abella commission report "Equality in Employment" led to the introduction of the first Employment Equity Act by the Honourable Flora MacDonald in 1985, with proclamation in 1986. It set employment equity requirements for federally regulated private sector employers with respect to four distinguished groups: women, aboriginal peoples, persons with disabilities, and members of visible minorities.

Subsequent to the Redway report, an expanded Employment Equity Act was passed. This new law extended coverage to the federal public service, clarified employers' obligations, and provided for enforcement by the Canadian Human Rights Commission. It also provided, where necessary, binding adjudication by an employment equity review tribunal constituted from the human rights tribunal. The new legislation came into force in October 1996.

Although it has flaws, Canada's employment equity laws have contributed to some important progress. Most notable are the gains made by designated group members — especially members of visible minorities — in the federally regulated private sector such as the banks. The inclusion of the public sector under the Employment Equity Act meant that federal departments which had taken little substantive action to advance equality would be required to do so.

Employment equity is not, and has never been, about quotas or reverse discrimination. Yes, like any sensible business plan, employment equity uses numbers and measurable goals. Yes, it allows for special efforts to be made in order to break vicious circles of exclusion from the workplace. However, these are not forms of discrimination. They are critical steps in the direction of genuine equality.

Canada's experience with employment equity is looked to by many countries for inspiration. We have reason to be proud of the way that we as Canadians have chosen to confront ingrained employment discrimination and give real meaning to the promise of the convention and similar international agreements.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to the presence in the gallery of a delegation of senior officials from the House of Lords of the United Kingdom, who are visiting our Parliament to inquire into the information systems of parliamentary data and the video network.

Hon. Senators: Hear, hear!

The Hon. the Speaker: On behalf of all honourable senators, I bid you welcome to the Senate of Canada.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTY-SECOND REPORT OF COMMITTEE PRESENTED

Hon. Bill Rompkey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, March 23, 1999

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

THIRTY-SECOND REPORT

Your Committee recommends that the Senate's current reliability policy be replaced by a more comprehensive Security Accreditation Policy for all personnel.

This new Security Accreditation Policy would apply to all new Senate personnel, contractors and outside service providers.

Senators should bear in mind that a security accreditation check is intended as a systematic pre-hiring procedure and that the final decision to retain someone, once all pertinent policy steps have been applied, always rests with them.

Respectfully submitted,

WILLIAM ROMPKEY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Rompkey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Terry Stratton, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, March 23, 1999

The Standing Senate Committee on National Finance has the honour to present its

THIRTEENTH REPORT

Your Committee, to which was referred Bill C-65, An Act to amend the Federal-Provincial Fiscal Arrangements Act, has, in obedience to the Order of Reference of Tuesday, March 16, 1999, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TERRY STRATTON
Chairman

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1430)

BUSINESS OF THE SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE AND SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AUTHORIZED TO MEET DURING SITTING OF SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senator, I move, seconded by the Honourable Senator Austin, with leave of the Senate and notwithstanding rule 58(1)(a):

That the Standing Senate Committee on Legal and Constitutional Affairs and the Standing Senate Committee on Social Affairs, Science and Technology have power to sit while the Senate is sitting tomorrow, Wednesday, March 24, 1999, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Wednesday, March 24, 1999, at 1:30 p.m.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, could the Deputy Leader of the Government tell us about the schedule for tomorrow? It is possible that the Senate will sit all afternoon because the

government wants to pass a bill on labour relations. Could the deputy leader give us some information on this?

[English]

Senator Carstairs: Honourable senators, tomorrow is a day that we cannot explicate at this particular point in time. If later today the House of Commons sends to us the labour legislation concerning PSAC, then it would be our hope to deal with that tomorrow in Committee of the Whole. If, of course, they do not send it to us later this day, then we must deal with the bill on Thursday.

In addition, some other very important things are happening tomorrow. There will be tributes to Senator Orville Phillips, which I expect, and hope, will go on for a very long time.

In addition, Chairman Arafat will be in the gallery for a very brief period of time. He will be introduced to senators at that time, and then there will be an informal meeting with him and those senators who wish to attend at about 3:05 p.m. I would advise honourable senators to watch their e-mail, since I cannot give any more detail than that at this time.

At this point, I cannot say how long tomorrow's sitting will go on. That is why I have asked permission for both committees to sit while the Senate is sitting.

Senator Kinsella: Honourable senators, I wish to thank the Deputy Leader of the Government in the Senate for her explanation. As honourable senators can see, tomorrow will be a busy day. It would be helpful if the honourable senator could secure for us a copy of the labour bill, recognizing that it may well not be in its final form until it is voted upon in the other place. However, it might help if we had a copy with which to start our research today.

Senator Carstairs: Honourable senators, I will try to obtain copies as soon as possible for all members of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

JOINT MEETING OF PARLIAMENTARY ASSEMBLY, DEFENCE AND SECURITY, ECONOMIC AND POLITICAL COMMITTEES—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Bill Rompkey: Honourable senators, I have the honour to table the eighth report of the Canadian NATO Parliamentary Association which represented Canada at the Joint Committee Meeting of the NATO Parliamentary Assembly Defence and Security, Economic and Political Committees, held in Brussels, Belgium, on February 14 and 15, 1999.

NEWFOUNDLAND AND LABRADOR

FIFTIETH ANNIVERSARY OF CONFEDERATION— NOTICE OF INQUIRY

Hon. Ethel Cochrane: Honourable senators, I give notice that on Thursday next, March 25, 1999, I shall call the attention of the Senate to the fiftieth anniversary of Newfoundland and Labrador's Confederation with Canada.

QUESTION PERIOD

NATIONAL DEFENCE

COMMEMORATION OF FOUNDING OF HALIFAX— POSSIBLE RESURRECTION OF HALIFAX RIFLES REGIMENT— GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, my question is directed to the Leader of the Government in the Senate. I have given up on asking questions about helicopters; I am finding it futile. Instead, I will move on to something more in his range. Incidentally, I have put him back down to chief petty officer. I have stripped him of his stripes. He has to earn them back, perhaps with a gracious response to this question. Carried through on firm action, supported by Senator Moore, he might gain them back before summer.

My question has to do with matters that have been raised in this place before. Could the minister tell us and, through this chamber, the people of Nova Scotia, in particular the people of Halifax, the results of his attempts to resurrect the Halifax Rifles in time for the upcoming birthday celebrations in Halifax?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I have discussed this matter with the Minister of National Defence and with local authorities in Halifax. So far, I have been unsuccessful. With the urging of Senator Forrestall, I will again renew my efforts toward achieving that goal.

Senator Forrestall: Then I have been somewhat remiss in not prodding you about this matter.

RESTRUCTURING OF RESERVE UNITS IN ATLANTIC CANADA— POSSIBLE CLOSURE OF RESERVE BRIGADE HEADQUARTERS AND DEMISE OF INFANTRY BATTALIONS— GOVERNMENT POSITION

Hon. J. Michael Forrestall: It is my understanding that Atlantic Canada is about to lose one of its reserve brigade headquarters and possibly see the demise of some of its reserve infantry battalions. Would the minister use his good offices and arrange a briefing for honourable senators from the land forces advisors' cell with regard to the restructuring of the reserves in Atlantic Canada and, indeed, in Canada as a whole, if time permits?

Hon. B. Alasdair Graham (Leader of the Government): That is an excellent suggestion. I shall take it to my colleague the Minister of National Defence.

PRIME MINISTER'S OFFICE

CONGRATULATIONS ON APPOINTMENT OF MINISTER FOR THE HOMELESS—REQUEST FOR PARTICULARS

Hon. Erminie J. Cohen: Honourable senators, it has been reported in today's *Toronto Star* that the Prime Minister will announce Canada's first minister for the homeless, the Honourable Claudette Bradshaw, Minister of Labour.

As co-chair of the Progressive Conservative Task Force on Poverty and as a fellow New Brunswicker, I congratulate Minister Bradshaw, and I commend the government for this appointment. Minister Bradshaw's long history and active involvement with Moncton Head Start certainly gives her the needed credentials in leading the fight against homelessness. I am sure we can expect exciting and concrete results from this new ministry.

Can the Leader of the Government provide this chamber with a copy of the mandate for this new ministry?

Hon. B. Alasdair Graham (Leader of the Government): I would be happy to do that, honourable senators. As a matter of fact, I have in my hand the announcement made by the Prime Minister.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Read it.

Senator Graham: I am happy to read it. When it has been translated, I will have it tabled.

• (1440)

The Prime Minister announced today that he has appointed Minister of Labour Claudette Bradshaw to coordinate the Government of Canada's activities related to Canada's homeless.

Reducing homelessness is an urgent and complex issue in which all governments — federal, provincial, territorial, and municipal — as well as communities have a role to play. With her experience and background in dealing with similar community-based social issues, Minister Bradshaw is ideally suited to see to it that federal initiatives that directly address the needs of homeless Canadians complement those of other governments and local communities. Prior to entering politics, Mrs. Bradshaw served as Atlantic representative on the National Welfare Council and was a member of the New Brunswick Housing Task Force and the Moncton Housing Coalition. She also founded Moncton Head Start.

Hon. Marjory LeBreton: Honourable senators, on a point of clarification, is that a ministerial position, or is she just playing a coordinating role in her present capacity as Minister of Labour?

Senator Graham: Honourable senators, I do not believe it is a ministerial position. I believe it is really a coordinating role. I understand that a conference on the issue of homelessness will be held in Toronto later this week, which Minister Bradshaw and other ministers will be attending.

Senator Kinsella: Honourable senators, that is an excellent appointment, and I commend the government and the Prime Minister for making it. Mrs. Bradshaw is an excellent appointee to that task.

Can we take it that her function will be known as "the Minister Responsible for the Elimination of Homelessness?"

Senator Graham: I do not know. It is the Prime Minister's prerogative to make the official designation.

Minister Bradshaw, as a matter of fact, will be accompanied at the conference to be held on March 25 in Toronto by the Minister of Transport, Minister Collenette. I presume that a government announcement may be expected concerning what is being called the summit on homelessness, which has been convened by the Mayor of Toronto, Mel Lastman.

TREASURY BOARD

EMPLOYMENT EQUITY IN THE SENATE— GOVERNMENT POSITION

Hon. Consiglio Di Nino: Honourable senators, we have been talking for the past two or three sessions about the elimination of racial discrimination, and that takes many forms. In my opinion, it includes things like employment equity, justice, and opportunities for all. I suggest that the most successful Canadian employment equity program ever undertaken, and I applaud the Government of Canada for having made this decision, was to have both official languages well represented on the Hill. I think it has succeeded even beyond the imaginations of those who hoped for it. I, and I am sure all members of the Senate, unlike members of the other place, applaud that initiative, and I think we should be grateful for it.

My question to the Leader of the Government in the Senate is this: Since we have been talking about racial discrimination and equal opportunity, we have raised this subject a number of times, both here and in the Standing Committee on Internal Economy, Budgets and Administration. Does the minister have an answer as to how well our own efforts have gone towards ensuring that the Senate represents, at least in a better way, the makeup of this country today?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Honourable Senator Di Nino raises a question which has been raised on several occasions by his seatmate, Senator Oliver. I have discussed this matter with the Chairman of the Standing Committee on Internal Economy, Budgets and Administration. He has indicated that the committee is cognizant of the representations that have been made.

As I said as recently as last week, it is incumbent upon all honourable senators, when they are staffing their own offices, to take into account the representations that have been made consistently by Senator Oliver and others in this chamber. The chairman of the Standing Committee on Internal Economy, Budgets and Administration has pointed out that there has been little hiring done in the last four or five years in the Senate. The Chairman has also indicated that he will soon report with respect to the progress that is being made regarding this issue.

Senator Di Nino: Would the minister, or perhaps the chairman of the committee, give us some sort of time frame as to when we can expect a report card on our progress to date?

Hon. Bill Rompkey: Honourable senators, in fact, I have a report which I received just today from the clerk. It will be discussed by the committee at the earliest possibility. I want all members of the committee to read it and come prepared to discuss it. It is high on the agenda. We intend to deal with it soon. We consider it a very important issue indeed.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on March 3, 1999 by the Honourable Senator Ethel Cochrane regarding the Millennium Scholarship Foundation, appointment to board of Grand Chief of Assembly of First Nations and requests for particulars on salary arrangements; a response to a question raised in the Senate on March 9, 1999, by the Honourable Senator Janis Johnson regarding storage of nuclear fuel waste on remote northern sites and discussions with Assembly of First Nations; and a response to a question raised in the Senate on February 17, 1999, by the Honourable Senator Donald H. Oliver regarding the Employment Insurance Fund, accumulation of surplus in funds and budget reduction as premiums.

HUMAN RESOURCES DEVELOPMENT

MILLENNIUM SCHOLARSHIP FOUNDATION— APPOINTMENT TO BOARD OF GRAND CHIEF OF ASSEMBLY OF FIRST NATIONS—REQUEST FOR PARTICULARS ON SALARY ARRANGEMENTS

(Response to a question raised by Hon. Ethel Cochrane on March 3, 1999)

The legislation relating to the Canada Millennium Scholarship Foundation indicates that directors may be paid remuneration in amounts determined by the Board of the Foundation. The directors may also be reimbursed for reasonable expenses incurred in performing their duties or attending meetings of the Board.

Any remuneration will be paid from the funds of the Foundation, which was established by legislation as an independent body from government.

The Board of the Foundation has not yet addressed this issue, but rather has focused its efforts in ensuring that the scholarships are ready to be awarded to students as early as possible.

NATURAL RESOURCES

STORAGE OF NUCLEAR FUEL WASTE ON REMOTE NORTHERN SITES—DISCUSSIONS WITH ASSEMBLY OF FIRST NATIONS—GOVERNMENT POSITION

(Response to question raised by Hon. Janis Johnson on March 9, 1999)

Any allegations about native people's land being targeted for a nuclear fuel waste disposal site are completely erroneous.

Last November, the Government was preparing its Response to the Seaborn Panel recommendations, one of which was that "The federal government should immediately initiate an adequately funded participation process with Aboriginal people, who should design and execute the process." On November 12, 1998, officials from Natural Resources Canada and Indian and Northern Affairs Canada met with officials from the Assembly of First Nations (AFN). The purpose of the meeting was to get advice from the AFN on how best to initiate a consultation process with Aboriginal groups should the federal government decide to agree with the Seaborn recommendation. AFN officials were very helpful in providing a list of their members to whom the Government Response to the Seaborn Panel report should be sent and with whom initial contact would be made if the federal government were to initiate an Aboriginal consultation process.

In December 1998, when the Government released its response to the Seaborn Panel, the Minister of Natural Resources wrote to the head of the AFN as well as the heads of the Inuit Tapirisat of Canada, the Métis National Council, the Congress of Aboriginal People, and the Native Women's Association of Canada. The letter made clear that the purpose of the meeting was to develop a process that would enable Aboriginal people to have meaningful input on the preferred approach for the long-term management of nuclear fuel waste.

The concept of deep geologic disposal of nuclear fuel waste in the stable rock of the Canadian Shield is the only disposal option being considered for nuclear fuel waste. It was developed by Atomic Energy of Canada Limited (AECL) and meets Atomic Energy Control Board regulatory requirements that disposal should not rely on institutional

controls past a reasonable period of time and can provide passive safety in the long-term.

The Seaborn Panel recommended that practicable long-term waste management options, specifically, storage at the reactor sites, centralized above ground storage, and centralized below ground storage, should also be developed.

The Government, in its December 3, 1998 Response to the Seaborn Panel, agreed that the storage options should be developed and a comparison made of the risks, costs and benefits. Such options should, like the AECL disposal concept, allow for a balance to be maintained between the present regulatory requirement for passive safety and the ability to retain institutional control.

Nuclear fuel waste is the nuclear fuel bundles discharged from the 22 Canadian CANDU reactors. Twenty of these reactors are owned by Ontario Hydro and the other two are owned by Hydro-Québec and New Brunswick Power. All three utilities are owned by their respective provincial governments. Atomic Energy of Canada Limited (AECL) has a small amount of waste from its prototype and research reactors. Each bundle of nuclear fuel produces about 1 million kilowatt-hours of electricity, equivalent to burning about 400 tonnes of coal, and enough to supply about 100 homes with electricity for a year.

The lifetime of a fuel bundle in the reactor is roughly 18 months. At the end of that period, the fuel bundle is removed from the reactor and stored in water-filled bays at the reactor site. After a period of approximately 10 years of cooling and radioactive decay, the bundles are removed and stored in above-ground concrete canisters either at the reactor site where they were generated, or at a central site. At present, roughly 1.3 million used CANDU fuel bundles are stored at Canadian nuclear reactor sites. This represents the waste output of 344 years of reactor production and equates to 1,200 terawatt hours of electricity produced. The waste would fill roughly three regulation-size hockey rinks up to the top of the boards.

EMPLOYMENT INSURANCE FUND

ACCUMULATION OF SURPLUS IN FUND— ADEQUACY OF BUDGET REDUCTIONS IN PREMIUMS

(Response to question raised by Hon. Donald H. Oliver on February 17, 1999)

The Employment Insurance Account has been accounted for as part of general government operations since 1986, as recommended by the Auditor General. And under the current system, accumulated surpluses are used temporarily by the government, which credits interest to the Account.

Canadians expect their government to make intelligent choices about how to spend their money effectively. The government believes it has made the right choices: in health care; in skills training and higher education; and in tax relief for Canadians.

The debate on the EI account is ongoing and we should continue and encourage this debate. We need to decide together on how programs that benefit all Canadians should be funded.

ANSWER TO ORDER PAPER QUESTION TABLED

NATIONAL DEFENCE—NEW ARMOURIES IN SHAWINIGAN

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 140 on the Order Paper—by Senator Forrestall.

PRIVATE BILL

ROMAN CATHOLIC EPISCOPAL CORPORATION OF MACKENZIE—
MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-20, to amend the act of incorporation of the Roman Catholic Episcopal Corporation of MacKenzie, and acquainting the Senate that they have passed this bill without amendment.

WAR VETERANS ALLOWANCE ACT PENSION ACT MERCHANT NAVY VETERAN AND CIVILIAN WAR-RELATED BENEFITS ACT DEPARTMENT OF VETERANS AFFAIRS ACT VETERANS REVIEW AND APPEAL BOARD ACT HALIFAX RELIEF COMMISSION PENSION CONTINUATION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Leave having been given to revert to Reports of Committees:

Hon. Lowell Murray, Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, March 23, 1999

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

EIGHTEENTH REPORT

Your committee, to which was referred the Bill C-61, An Act to amend the War Veterans Allowance Act, the Pension

Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof, examined the said Bill and now reports the same without amendment, with the following observation:

That the Government seriously consider making the fair settlement with Merchant Mariners an immediate priority.

Respectfully submitted,

LOWELL MURRAY
Chairman

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I would like to introduce to you a page from the House of Commons who was chosen to participate in the pages exchange program with the Senate, for this week, March 22 to 26.

Lisa Robichaud, from Cavendish, Prince Edward Island, is a student in the Faculty of Arts at the University of Ottawa. I welcome her to the Senate.

[English]

ORDERS OF THE DAY

CANADA CUSTOMS AND REVENUE AGENCY BILL

THIRD READING—DEBATE ADJOURNED

Hon. Sharon Carstairs (Deputy Leader of the Government) moved third reading of Bill C-43, to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence.

She said: Honourable senators, it is with great pleasure that I rise today to open the debate at third reading of this bill. I should first like to highlight the work of the Standing Senate Committee on National Finance. The members of this committee did an excellent job in their review of all aspects of this legislation and in questioning the many witness who were heard during the detailed study of this bill.

[Translation]

The parts of Bill C-43 that interested the committee had to do with the human resources components of the new agency and its accountability. My speech today will examine these aspects of the bill.

[English]

As part of the extensive consultation that Revenue Canada conducted on how to improve its human resources processes, employees, union representatives and managers were adamant that the existing system was complex, legalistic, lengthy and time-consuming. To this effect, committee members heard from the assistants of the Auditor General that, under the present system, there are long delays in the competition process.

One of the witnesses, Mr. Minto, provided the committee with an example of a competition for an international tax advisor. This competition closed in October 1996 but the eligibility list was not established until 18 months later. This example is not unusual. It currently takes up to 12 months to staff a position at Revenue Canada. As you can see, honourable senators, maintaining the status quo is not an option; neither is waiting for a major restructuring of the entire public service in the area of human resources.

Revenue Canada's business volumes are rapidly increasing. Business service demands are significantly rising. To further evolve as a modern tax and customs administration, Revenue Canada must possess the operational flexibility to streamline and tailor its human resources system. Agency status is required to meet the unique needs of Revenue Canada and its employees.

With the authority to develop its own staffing program in accordance with certain stated principles and directives, the agency will be able to recruit highly qualified personnel in a more efficient and expeditious manner.

Under the new agency, it will be possible to reduce the number of occupational groups and levels, which will make it easier for employees to move between jobs, thus enhancing career mobility while meeting the service requirements of the agency clients. It was suggested during the study of this bill that employees of Revenue Canada would lose their jobs once they were transferred to the agency and their two-year employment guarantee would expire. This is simply not true. Honourable senators, I should like to highlight a selection of the guarantees that will protect Revenue Canada employees during the transformation to agency status.

All employees of Revenue Canada will be employees of the agency, in the same positions and with the same job duties, when Revenue Canada is transferred to an agency. Employee benefits such as health, disability insurance, dental plans, accumulated leave credits and pension benefits under the Public Service Superannuation Act will also be transferred. Collective agreements in place at the time of the transfer will carry over

until they are renegotiated. Employees will receive benefits from any pay equity settlements. Employees will continue to have access to recourse under the Public Service Staff Relations Act. Bill C-43 requires staffing recourse as well as an independent assessment of all recourse mechanisms after three years.

Witnesses who appeared before the Standing Senate Committee on National Finance suggested amendments to Bill C-43 in the area of human resources. Allow me to explain briefly why the proposed amendments will make the human resources processes less efficient, less transparent and more cumbersome.

The first amendment concerns third party recourse and redress mechanisms and would add a new portion to clause 59 of the bill. Revenue Canada wants to preserve the employees' fundamental rights while retaining flexibility. For this reason, it chose not to entrench the agency's human resources regime in legislation. Rather, it favours a non-litigious, flexible system with powerful parliamentary accountability. Full accountability to Parliament, as set out in Bill C-43, will replace the legislative process.

[Translation]

In addition, clause 54 of Bill C-43 guarantees recourse mechanisms for employers and employees.

[English]

With the new agency, employees will have access to different options that are fair and timely, and include access to an independent third party. It will be in stark contrast to the complex and legalistic processes that now exist and which frustrate employees and managers equally.

Also under the agency classification, recourse will not change and will still be covered by the Public Service Staff Relations Act, which establishes the basic rules concerning relationships with unions.

It has also been proposed that clause 51 of Bill C-43 be amended to provide for the National Joint Council directives to be carried over to the agency. These directives are agreements on working conditions that cover such matters as health and safety, travel and relocation allowances, bilingual bonuses, et cetera.

Honourable senators, the Financial Administration Act, to which the agency is subject, clearly indicates that National Joint Council directives are not to be carried over when a portion of the public service is transferred to separate employer status. This is done specifically to ensure that organizations like the proposed agency can adapt these directives to best suit their unique circumstances. This does not mean, however, that the policies covered by these agreements are about to disappear.

In this respect, the agency will work in concert with the unions to develop agency policies that are fair, and that meet both business and employee needs.

[Translation]

In fact, a union-management team is already working to create such mechanisms and should be submitting recommendations shortly.

[English]

The set-up of this team is, in my opinion, a tangible gesture that the agency is committed to cooperation and openness in dealing with employee issues.

Another suggested amendment in the area of human resource management was to clause 54(2) of the bill, the negotiation of staffing. Under the Public Service Staff Relations Act and the Public Service Employment Act, staffing, as well as classification, is not now negotiated. Therefore, it does not form part of current collective agreements. This would continue under the agency.

I would like to reiterate what Minister Dhaliwal stated before the Standing Senate Committee on National Finance, that moving to agency status does not mean that the employees will not be a part of the government. Employees of the agency will remain in the Public Service of Canada. The Public Service Commission will report to the agency and verify if its staffing program is consistent with the principles set out in the summary of the corporate business plan. This report must be included in the agency's annual report to Parliament. In addition, after the first three years, and continuing periodically after that, there will be an independent assessment of the agency's recourse system, and this assessment will be published in the agency's annual report. The Public Service Commission may also review the compatibility of the agency's staffing principles with those governing staffing under the Public Service Employment Act and publish its findings in its annual report to Parliament.

Honourable senators, I hope you will find these guarantees assuring.

The last proposed amendment that I shall address today is to clause 31 of the bill, which deals with bargaining agent representation on the agency's board of management. I should like to stress that, in selecting board members, the government will consider candidates who have the experience and capacity required for discharging their functions. In this regard, nothing will prevent the government from considering a proposal from the agency's unions for a person with labour relations expertise. However, as a board member, such an appointee would be required to act in the best interests of the agency, and not represent any specific group or interest.

Honourable senators, accountability provisions were also a serious issue for many people who appeared before the National Finance Committee. However, I believe that accountability measures are strengthened as a result of Bill C-43. For instance, the creation of an agency addresses provincial and territorial concerns for a greater say in tax administration by giving them the authority to nominate candidates for appointment to the board of management.

• (1500)

In the case of New Brunswick, the federal government administers personal income taxes, corporate income taxes, credits and rebates relating to income tax, harmonized sales taxes, taxes at the border, and provincial benefit programs. Yet the Province of New Brunswick currently has no representative in Revenue Canada.

I would be the first to tell you, honourable senators, that Revenue Canada administers in more areas for New Brunswick than it does for any other province. However, they administer taxes in five areas for British Columbia, in four areas for Manitoba, and in five areas for Saskatchewan. The move to agency status and the establishment of a board of management would ensure provincial representation.

[Translation]

The bill also requires the agency to consult the provinces and territories and to report on its performance, thereby increasing its accountability for these programs and services.

[English]

In addition, the commissioner of the agency will hold annual accountability sessions with provincial and territorial ministers of finance where the agency administers a tax or a program.

To conclude, when the Assistant Auditor General was questioned by committee members on accountability measures, he responded that his office had been consulted on both the auditing and accountability provisions of the proposed legislation and that he the Assistant Auditor General, was comfortable with the provisions as currently drafted.

I thank you, honourable senators, for your time in considering this bill, and for allowing me the opportunity to address and, perhaps, clarify some of the outstanding issues raised in committee.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, might I ask the Honourable Senator Carstairs a question?

Honourable senators, can Senator Carstairs let us know whether she expects that the speech she has just given at third reading will be the one that will appear on Revenue Canada's Web site, or will they publish a different speech, as they did at second reading?

Senator Carstairs: Honourable senators, I will inform Senator Kinsella, as well as other honourable senators, that I took great exception to the fact that the speech, first of all, went on their Web site without any consultation with me, and even then it was not the right speech. I have been assured that the situation has been corrected, and I have been assured that, in the future, they will both ask my permission and take a look at the Senate Hansard and use the appropriate speech when covering the Senate of Canada.

Senator Kinsella: Might the honourable senator let the chamber know whether or not the speech she has just given is one of those two speeches that was reported to have cost Revenue Canada \$23,000?

Senator Carstairs: We have made inquiries as to whether any of the speeches I have given have been in the category to which the honourable senator refers. However, I have not yet received an answer. Revenue Canada, like anyone else, had better get used to the idea that I never give a speech if it is sent to me.

Senator Kinsella: Before leaving that matter, honourable senators, does the honourable senator expect to get to the bottom of this matter? Did Revenue Canada, indeed, let a contract for \$23,000 to write two speeches for someone to use in debate on Bill C-43?

Senator Carstairs: I understand that that was a question asked of the minister in the chamber last week. I would assume that in due course it will come back in an appropriate, written form.

On motion of Senator Stratton, debate adjourned.

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Carstairs, for the second reading of Bill C-55, respecting advertising services supplied by foreign periodical publishers.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, in his second reading remarks on Bill C-55, Senator Graham began with a very poetic, even romantic, appreciation of the magazine industry in Canada, pointing out with pride that the first Canadian magazine was published in Halifax as early as 1790. He pointed out that the magazine described itself as:

...a collection of the most valuable articles which appear in the periodical publications of Great Britain, Ireland and America.

He should have added, too, that the printer deplored the fact that the *Nova Scotia Magazine*, as it was called, had yet to:

...become enriched with the exertions of Native Genius.

That it was to be regretted:

...that gentlemen of talents and leisure in the country, do not discover a readiness to communicate their speculations.

Foreign content, then, is not a recent phenomenon, at least in this country.

While the *Nova Scotia Magazine* can claim to be the first of its kind in Canada, I must point out that Quebec had the distinction of being where the first bilingual magazine in Canada was published. In August 1792 appeared for the first time *The Quebec Magazine, or useful and entertaining repository of science, morals, history, politics, et cetera, particularly adapted for the use of British America / Le magasin de Québec, un recueil utile et amusant de Littérature, Histoire, Politique, etc., etc. particulièrement adapté à l'usage de l'Amérique britannique.*

The publication was the responsibility of a society of gentlemen in Quebec, une société de gens de lettres.

The contrast between that publication and the *Nova Scotia Magazine* is not only that one was in two languages and the other in one, but that the Quebec publication had articles of a more practical value still pertinent today, such as how to keep eggs fresh, and on the necessity of education. What both had in common is that they reflected a cultural component peculiar to their respective communities, cultural components which over the years were to come together with so many others to define Canada as we know it today.

This being said, I have great difficulty with the expression "Canadian culture" because it means different things to different people; meanings too often adopted by those advancing varied interests which are not always compatible. For instance, ownership rules in various sectors are imposed in the name of Canadian identity, yet non-Canadian management is widespread and unchallenged.

Senator Tkachuk, last Thursday, made a strong plea for hockey as a game that binds this country more than anything else; this despite the fact that of the 30 teams in the National Hockey League, after expansion, only six will be in Canada, two fewer than only a few years ago. The NHL is run out of New York City. Most of the leading players are non-Canadians. Salaries are in American currency. The playing schedule is drawn up to accommodate an American television network and not conflict with rock concerts and professional basketball games held in the same arenas.

Whatever difficulties one has in agreeing on the meaning of Canadian culture and Canadian identity, I, for one, do not think that they should be the determining factor in assessing the bill under discussion. Senator Graham has told us that:

...the principles enunciated in this bill are to preserve Canadian culture, and to give Canadian magazines a chance to ply their trade.

How Canadian culture is protected by making it a criminal offence to advertise in an American magazine is a mystery to me, and a frightening one at that. Senator Graham is on safer ground when he said that this bill is to help ensure the continued viability of our magazine industry. I have no quarrel with that. I have yet to be convinced that Bill C-55 is the right way to go about it.

The bill before us is a second effort by this government to eliminate Canadian advertising in split-run editions imported into Canada. The first was ruled by the World Trade Organization to be in contravention of the General Agreement on Tariffs and Trades. Now we are being assured by Senator Graham that:

...the provisions of Bill C-55 are consistent with Canada's obligations under the General Agreement on Trade in Services. They are also, of course, consistent with our obligations under NAFTA.

Let me remind honourable senators that similar assurances were given when Bill C-55's predecessor was being debated in Parliament, so that their being repeated again by the same sponsors gives them a somewhat hollow ring.

This is not the first time that such assurances have not stood up. When the bill to band the importation of MMT and its trade between provinces was before us, the government had no hesitation in claiming that it complied with international and interprovincial agreements. The manufacturer made a claim under NAFTA, and a number of provinces, led by Alberta, asserted that the bill was in violation of the interprovincial trade agreement. A dispute settlement panel was established under provisions of that trade agreement and ruled in favour of the provinces. The federal government not only nullified the legislation, it settled the manufacturer's claim under NAFTA for \$20 million, even before hearings had started.

Therefore, is it any wonder that being given assurances by those who fumble so embarrassingly and at great cost to Canadian taxpayers can no longer be given much credibility?

• (1510)

Suggestions have been made elsewhere that the bill be submitted to the World Trade Organization by both Canada and the United States for an opinion before passage. The government would be well advised to urge this course to avoid another formal negative ruling. Canada is actively promoting a former cabinet minister to the presidency of the WTO, thus showing its confidence in the organization, while the United States has every reason to respect its rulings, certainly on the issue before us.

Other than the question of meeting international obligations, that of meeting the freedom of expression provisions in the Charter has been given little if any attention to date. Senator Kinsella will elaborate on this more fully in his remarks, and I urge the government to pay close heed to his comments and suggestions.

It does not surprise me that the constitutionality and legality of Bill C-55 was not even raised by Senator Graham. The government's record in this area is dismal: Other than the costly MMT fiasco, who can forget the infamous Pearson airport bill and the clumsy attempt to delay redistribution until after the following election? Along the same lines, Bill S-22, the preclearance bill now before a Senate committee, has been found to include clauses that many consider an infringement on Canada's sovereignty.

What possible justification is there for such extraordinarily flawed legislation to get by those who are retained to caution the government and alert Parliament about possible legislative excesses? Is the government confirming that it no longer considers itself part of Parliament but above it, if not actually detached from it? I may be straying from the subject-matter but, because of the way Bill C-55 is being handled, troubling questions arise which cannot be dismissed, as elected parliamentarians, consciously or not, become party to their own growing irrelevance.

As for Bill C-55 itself, Senator Graham assured us last week that he was not aware of any negotiations between the United States and Canada, and that it was not his intention, as sponsor of the bill or as Leader of the Government, to introduce any amendments; nor was he aware that it was the intention of the government to suggest any amendments. Yet, only the night before, on the CBC radio program "As It Happens," the Minister of Canadian Heritage, sponsor of the bill in the other place, said:

If there are any proposals put on the table by the Americans that would be consistent with the bill and would require an amendment to the bill, that would be dealt with in the Senate and then subsequently back in the House of Commons.

To have ministers contradict each other is par for the course for this government, and the Prime Minister leads by example in this department, so I will not dwell on this latest example of cabinet confusion.

What should trouble all parliamentarians, particularly members of the other place, is that the Commons was asked by the government to pass a bill with the full knowledge that the bill would be subject to government amendments while before the Senate.

When asked on the same radio program, "Have you got the magazine business all fixed now?", the Minister of Canadian Heritage replied, "Ah well, it's not fixed but it's going to be fixed." Fixed by whom, we may well ask. By negotiators behind closed doors in Washington, certainly not by Parliament, is, I think, the right interpretation of the answer.

To those who may suspect that I am misinterpreting the minister's words, let me quote from the interview again:

Q. Why do you say that?

Meaning "it's going to be fixed."

A. Well, because the legislation is not through the House yet and through the Senate and through the whole process. So obviously we're very optimistic that we've got a good solution, but it's not finished.

Note the words "not through the House yet." Does this not confirm that the elected representatives were asked to vote a bill the government knew at the time would be returned to them with amendments?

Q. Do you think that the solution is in the bill then...

A. Any compromise that would even be considered would be...have to be part of the bill, and we've made that very clear to Washington from the beginning.

This is not only unheard of, it is demeaning to the parliamentary system. Government bills are seldom amended in the Senate, except for technical corrections, and then only after constant prodding by the opposition following extensive hearings before a committee. In other words, once a government bill gets to the Senate, instructions go out to the majority leadership to move it to Royal Assent as fast as possible and without amendment.

The Commons has agreed to a bill despite the fact that secret consultations and negotiations on its content with a foreign party directly affected are ongoing and may well result in an understanding requiring one or more amendments. No problem, says the Heritage Minister, we will let the Senate take care of them, after which the house can give a rubber stamp of approval.

I repeat: The elected house members, particularly supporters of the government, should raise serious questions as to how diminished their role is becoming, a trend that has been ongoing for years. Bill C-55 is not an isolated case. Bill C-49, dealing with First Nations land management, which is also before us, is to be subject to government amendments here, according to the Liberal member from Vancouver—Quadra. He said that, while he opposed the bill, he voted in favour of it because he had been assured that his objections would be dealt with in the Senate. Such presumption is an insult to all members of this place, no matter their party affiliation, and shows an appalling lack of understanding of the responsibility of each house.

If the government were really committed to Bill C-55 in its present form, it would give it the utmost priority, to confirm its commitment to its understanding of Canadian culture, which it trumpets constantly. As it is, in the Heritage Minister's own words, the bill is subject to compromise under American pressure. Compromise in this case will mean backing down and will make a mockery of all that high-sounding oratory which may well turn out to be nothing but bluster, catering to cultural nationalists who see evil everywhere but in their own backyard.

Bill C-55 should still be before the House of Commons awaiting whatever amendments are being secretly negotiated in Washington. Instead, it is before us in incomplete form, subject to change that may drastically alter its tenor so that any debate

we have on it now will probably become redundant once the amendments are known.

Should this occur, we will be in the untenable position of having approved the principle of Bill C-55 at second reading when amendments are brought forward by the government which may completely change that principle. We will then be into a procedural discussion over the admissibility of the amendments, something that could have been avoided if, as stated earlier, the bill were still before the House of Commons.

My suggestion to the government is this: Either we pass the bill in its present form, without amendment, thereby confirming the will of the elected house, or we set it aside awaiting the results of negotiations in Washington and the government's acquiescence to American pressure and resulting amendments. I, for one, urge the first course, for whatever my views on Bill C-55, my respect for the will of the elected will always predominate over the arrogance exhibited towards it by a government, particularly one which, for the first time to my knowledge, is secretly negotiating with a foreign country amendments to a bill passed in good faith by the House of Commons.

That is why I have not discussed Bill C-55 itself. The way in which it has been handled by the government is nothing short of shameful, an insult to the parliamentary process. The Senate, to show its support for this process, should refuse to be manipulated, as has been the other place.

On motion of Senator Kinsella, debate adjourned.

APPROPRIATION BILL NO. 5, 1998-99

SECOND READING

Hon. Anne C. Cools moved the second reading of Bill C-73, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999.

She said: Honourable senators, I rise to speak to second reading of Bill C-73, known as Appropriation Bill No. 5.

Bill C-73 provides for the release of the amounts as set out in the Supplementary Estimates (C) 1998-99, being \$1.8 billion. Supplementary Estimates (C) 1998-99 were tabled in the Senate on March 9 and were referred on March 10, 1999 to the Standing Senate Committee on National Finance for examination and study. Supplementary Estimates (C) are the final Supplementary Estimates for the fiscal year ending March 31, 1999.

• (1520)

Honourable senators, the \$1.8 billion as laid out in the Supplementary Estimates (C) are provided for within the revised spending levels for 1998-99, as announced in the budget on February 16, 1999. Specifically, these Supplementary Estimates (C) seek Parliament's authority to spend \$1.8 billion, as provided for in the budget of February 1998 but not

specifically identified or sufficiently developed in time to seek Parliament's authority in the 1998-99 Main Estimates and for new expenditures as identified in the budget of February 16, 1999. These Supplementary Estimates (C) were examined carefully by the committee attended by Treasury Board officials Richard Neville, Assistant Secretary and Assistant Comptroller General, and Andrew Lieff, Senior Program Analyst, when they appeared before the Standing Senate Committee on National Finance on March 10 and 11, 1999. Some of the major items in the Supplementary Estimates (C) 1998-99 are:

- \$522.1 million to 76 organizations for compensation for public service collective agreements recently concluded and related adjustments. Collective bargaining resumed in early 1997, and these funds represent retroactive and ongoing incremental salary costs for 1998-99;
- \$166.3 million to 18 organizations for matters relating to the Year 2000 problem. This funding provides the financial requirements of government departments and agencies to ensure Year 2000 systems compliance, as well as for corollary issues such as private-sector awareness, international preparedness, central coordination and contingency planning;
- \$205 million to the Department of Finance for transfer payments to the territorial governments. This increased funding reflects the changes in the forecasting of factors such as population, provincial/local spending, and revenues generated by the territorial governments, on which these payments are based;
- \$200 million to Industry Canada for the Canada Foundation for Innovation to modernize research infrastructure in health, the environment, and science and engineering;
- \$155 million to Health Canada for strategic investments in health research and information, including grants to the Canadian Institute for Health Information to ensure a coordinated approach to health information, and to the Canadian Health Services Research Foundation to support the Canadian Institute of Health Research, and to NURSE, the Nurses Using Research and Service Evaluations Fund;
- \$123 million to CIDA, the Canadian International Development Agency, for various United Nations organizations, and for international humanitarian assistance, such as aid provided following Hurricane Mitch;
- \$90 million — non-budgetary — to Transport Canada's Canada Ports Corporation for its debt restructuring repayment to Ridley Terminals Inc.'s EDC loan of \$165 million. Ridley Terminals Inc. is a wholly owned subsidiary of Canada Ports Corporation and needs the funds to facilitate the refinancing of the remaining \$75 million in the private sector.

These major items that I have just mentioned account for \$1.5 billion of the total \$1.8 billion for which parliamentary authority is being sought. The balance of \$0.3 billion is spread among a number of other government departments and agencies, the specific details of which are included in the Supplementary Estimates (C) for this fiscal year ending March 31, 1999.

Honourable senators will recall that we adopted the report on Supplementary Estimates (C) 1998/99 on March 17, 1999 here in the Senate.

I should like to thank the Chairman of the Standing Senate Committee on National Finance, Senator Terry Stratton, as well as the honourable members of the committee for their work and cooperation in ensuring that the Supplementary Estimates (C) were adopted in a timely manner. I urge all honourable senators to support Bill C-73, Appropriations Bill No. 5, 1998-99.

Hon. Terry Stratton: Honourable senators, I should like to respond to Senator Cools' presentation on Bill C-73.

We had discussed much of this last week in the report on the Supplementary Estimates (C) and the report on the Main Estimates that our committee submitted. The only cautionary word I would give honourable senators is with respect to the original Main Estimate being \$145,456,000,000. That is a staggering sum of money. When you add to that Supplementary Estimates (A), (B) and (C), totalling \$8 billion, it takes us, for the current fiscal year, to \$153,531,836,000. That is worrisome because it is an \$8-billion upcharge from where we began. That must be a concern for everyone.

As I expressed last week, yes, I understand that there were some unusual circumstances related to salaries that had been frozen for a number of years. As well, the cost estimate for the Y2K problem to the end of this current fiscal year is \$2 billion. Despite those figures, we must be cognizant of the potential "slippage" that we see happening. It is irresponsible on our part to allow things like that to go through this place without comment.

Honourable senators, the committee does good work. Mr. Neville and Mr. Lieff of the Treasury Board were excellent in their responses. They were so well briefed that it was hard to catch them out, as it were. If we did, they admitted it and came back to us the next day. That is why the committee likes to hold hearings on this type of subject-matter over two sittings. The committee does get along well when we do those things, and I appreciate Senator Cools' comments.

At times we do get testy, but that is part of what happens in any committee. I would only ask that the honourable senator not take it personally, as I do not take her comments personally.

The Hon. the Speaker: If no other honourable senator wishes to speak, is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Cools, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

APPROPRIATION BILL NO. 1, 1999-2000

SECOND READING—DEBATE ADJOURNED

Hon. Anne C. Cools moved second reading of Bill C-74, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000.

She said: Honourable senators, I rise to speak to the second reading of Bill C-74, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000. When given Royal Assent, Bill C-74 will be known as Appropriation Act No. 1, 1999-2000. It is also called the interim supply bill and grants supply for the first quarter of this new fiscal year, 1999-2000, that is, April, May and June of 1999. The Main Estimates describe the government's proposed spending for the fiscal year, which commences in a few days on April 1, 1999. Bill C-74 is seeking Parliament's authority for the interim supply of \$13.9 billion dollars for the first quarter of the 1999-2000 fiscal year.

Honourable senators, the Main Estimates 1999-2000 were tabled in the Senate on March 2, 1999 and were referred to the Standing Senate Committee on National Finance on March 4, 1999. These Main Estimates 1999-2000 total \$151.6 billion, an increase of \$6.1 billion, or 4.2 per cent, over the 1998-1999 Estimates. I am certain that this will be of great interest to Senator Stratton.

These figures reflect the bulk of the planned budgetary expenditures for the fiscal year ending March 31, 2000, as set out in Minister of Finance Paul Martin's February 16, 1999, budget. These Main Estimates 1999-2000 support the government's request seeking Parliament's authority to spend \$45.8 billion under program authorities, for which annual approval is required. The remaining \$105.8 billion stems from existing legislation.

• (1530)

Honourable senators, as you know, the Main Estimates consist of three parts. Parts I and II must be tabled in the House of

Commons on or before March 1 of the preceding fiscal year; that is, March 1, 1999. Part I's list the government's expenditure plan as announced in the February 16, 1999 budget. Part II's, also known as the "blue books," provide the details on the statutory and vote items within each departmental and agency program. Part III of the Main Estimates, as of April 1997, is divided into two parts: Plans and Priorities Reports which will be tabled before the end of this fiscal year, March 31, 1999, and Performance Reports which will be tabled in the fall of 1999.

Honourable senators, Bill C-74 will provide interim supply for certain expenditures which require Parliament's authority now in order for the business of the government to go forward. Some of these items include \$7.9 billion, which is three-twelfths of all items in the Main Estimates except for those items included in Schedules 1, 2, 3, 4, 5, 6 and 7.

Honourable senators may recall the budget of February 16, 1999 which gave rise to the Main Estimates 1999-2000. I would like to note certain major increases over the Main Estimates for the fiscal year 1998-1999. These major increases to the Main Estimates over last year's Estimates include: \$874 million to the Department of Finance for Canada Health and Social Transfer payments; \$840 million to the Department of Human Resources Development for increased employment insurance benefit payments; \$600 million to the Department of Agriculture and Agri-Food Canada for income disaster assistance for farmers in response to recent declines in commodity prices; \$377 million to the Department of National Defence for payments to the provincial governments for the damages suffered during recent natural disasters under the Disaster Financial Assistance Arrangements; and \$287 million to various departments and agencies for the Year 2000 compliance requirements. These are only some of the budgetary items included in the Main Estimates 1999-2000.

Honourable senators, the primary function of Parliament is to scrutinize carefully the expenditures of government and to hold ministers accountable to Parliament. Parliament, in the final analysis, is about the raising of revenues by taxation and the proper spending of same. This process has been secured and insured by 1,000 years of parliamentary and constitutional struggles, and is a process that should be jealously guarded and protected by us.

Honourable senators, the Standing Senate Committee on National Finance will continue to examine and study these Main Estimates for some time. In the meantime, I encourage all senators to pass Bill C-74, the Appropriation Act No. 1, 1999-2000, the interim supply bill, so that the government may continue to do Her Majesty's business, the business of Canada.

The Standing Senate Committee on National Finance will be meeting tomorrow night at 4:30 to look in some detail at the aspects of the Main Estimates which touch on Bill C-74. I am indebted to Senator Stratton for that because it is my sincere

wish, as I think it is the sincere wish of us all, that Parliament exercise and execute its proper duties to scrutinize the expenditures of the government.

On motion of Senator Stratton, debate adjourned.

FIRST NATIONS LAND MANAGEMENT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Maloney, for the second reading of Bill C-49, providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management.

Hon. Ron Gitter: Honourable senators, I rise to speak on second reading of Bill C-49. I am far from an expert on matters relating to the affairs of our First Nations people, although, like many in this chamber, I have had numerous dealings with members of our First Nations in various ways.

At the outset, I wish to express my support for the underlying concepts contained in this proposed legislation. As expressed by my colleague Senator Chalifoux when she opened debate on this bill last week with her excellent presentation, the bill seeks to provide an element of self-governance over lands to participating bands who wish to adopt the procedures and undertakings outlined in this legislation.

I commend the leadership of the First Nations who have persevered since 1988 in bringing this legislation to where it is today. I commend the 14 bands that have agreed to be the first signatories to the framework agreement which serves as the basis for Bill C-49.

As you are undoubtedly aware, the Constitution Act of 1867 grants exclusive jurisdiction to the federal government over reserve lands and resources and, as a result of these provisions, First Nations have little direct control over the management of their lands. It is fair to say that over the years this situation has resulted in growing frustration on the part of our First Nations people and, at times, growing animosity toward the ministry of Indian Affairs and Northern Development, which is often seen, and correctly so, to be interfering and overly bureaucratic in the manner in which it controls the management and the operations of First Nation lands.

I speak from personal experience in this regard, having worked for a year or two with a particular First Nation in Alberta, the wonderful Siksika nation outside of Calgary. I sat at meetings and shared their frustrations in dealing with the incredible bureaucracy that makes even the simplest decisions seem monumental once they get into the hands of the department here in Ottawa. Too often, the Department of Indian Affairs seems to act as a dictatorial adversary rather than a partner in assisting and

encouraging sound decision making on the part of our First Nations leadership.

It is time that we allowed our First Nations to govern their own affairs wherever possible. It is time that we allowed our First Nations to assume responsibility for their people and be accountable for their decisions as they wish, be they right or be they in error. Heaven knows, we have been in error enough in our point of view. Why not give them the opportunity to do the same?

It is time to remove the excessive paternalism that exists in the Indian Act, to move with expediency and let our First Nations become self-reliant and self-sufficient, rather than enhancing attitudes in our society which seem to regard them as second-class citizens with their hands out, which is hardly the case.

I came to these conclusions early in the 1980s when, in Alberta, I had the opportunity of chairing a committee looking into discrimination in our school system. The purpose of the committee was to examine the embarrassment caused by views expressed by a school teacher named Keegstra in Eckville, Alberta. We travelled throughout Alberta to examine areas within our education system that we found to be discriminatory, inappropriate or racist, and to look into ways and means by which we could improve our education system to overcome the intolerance and lack of understanding that seemed to prevail in many areas of our province.

It surprised a considerable number of people that the first white paper our committee produced dealt with discrimination relating to our native population. It dealt with the difficulties experienced by children of native background who faced tremendous systemic discrimination in our school system.

We were asked why we dealt with the native population when our mandate was to look at problems related to the Keegstra episode, which was such an embarrassment to my province. We responded that we dealt with that because we found greater discrimination, prejudice, lack of understanding, and difficult bureaucracy in dealings with our native population than in dealings with other populations.

I learned at an early stage of the frustrations, difficulties and paternalism that exists in dealings with our First Nations people. Every small step that we can take is an important step toward returning the dignity, respect and self-esteem of our native peoples.

• (1540)

Bill C-49 is again but a small step forward in that regard, but it is an important step. When I read the debates in the House of Commons with respect to this legislation, I came to the conclusion that the House of Commons dealt with the legislation in haste and under the spectre of closure. The debate was, in my view, somewhat rhetorical, overly simplistic and did not deal with some of the fundamentals of this bill and some of the problems which I believe we should bring under closer scrutiny.

As my leader, Senator Lynch-Staunton, said earlier in dealing with Bill C-55, it seems that the House of Commons, once again, is looking to the Senate to make the amendments that are necessary to deal with this legislation, as judged by public comments I have read and also the comments to which Senator Lynch-Staunton referred, which were recorded in Hansard when the bill was debated in the other place.

There are problems in this bill. There are areas that we must consider. There are areas which I invite the Aboriginal Peoples Committee to consider improving to make this legislation better and more acceptable across Canada in terms of fairness and clarity. In our examination of the bill, we must determine how to cover the gaps and problems which are obvious in the bill. Many of you, I am sure, have received considerable correspondence relative to this legislation, particularly from British Columbia, with respect to the gaps and problems that are seen within the legislation.

I suspect and I hope that our Aboriginal Peoples Committee, when examining this issue and dealing with some of the witnesses, will give it serious consideration. I know they will report to this chamber, which will deal with their recommendations and potential amendments to the legislation.

There are two particular areas which I feel lack clarity and precision, but first I wish to extend my thanks to a number of individuals with whom I had the opportunity of meeting and discussing this legislation. I refer particularly to the First Nation chiefs of the Squamish First Nation in British Columbia, St. Mary's First Nation in Fredericton, New Brunswick, the Chippewas of Georgina Island, representatives of the Siksika Nation and the chairman of the chiefs.

We spoke about the legislation with great candour. I expressed to them my concerns. At times, frankly, I had feelings that although they understood the concerns, they were extremely anxious to have this legislation approved and were willing to accept the legislation with its flaws because of the frustrations they have experienced since 1988 in their endeavours to bring this legislation forward. I told them that, although I appreciated their concern to move this legislation forward, it may be better if the legislation were corrected, not in principle but in those areas that need correction, in order to receive better acceptability across the country.

Let me speak to the two areas with which I have concerns. The two weakest elements in this bill are expropriation and the lack of gender provisions, including the protection of women.

Expropriation is a unique and extraordinary tool which should not be used lightly by any legislative process. We have federal expropriation legislation in Canada; we also have provincial expropriation laws. Expropriation means that the government is stepping forward, based on public purpose and public will, to take someone's interest in some lands. In exchange, the government endeavours to create some level playing field of compensation.

There are times when government must step forward and take lands for public purposes such as highways, rights of way or whatever. Such expropriation cannot be done lightly. The government must ensure protection of the landowners' interests in the fairest possible way in dealing with compensation.

The Federal Expropriation Act carries on for page after page about how to fairly compensate an individual whose interest in land, be it leasehold or fee simple or whatever, is being taken over by the government. The act speaks of giving appropriate notice, of providing an appraisal and proving the public purpose. It also speaks in terms of compensation such as moving expenses and interest charges. All of these factors are vital to deal fairly with individuals who are being expropriated. We have those provisions in federal and provincial statutes.

In Bill C-49, under the clauses relating to expropriation, a First Nation can expropriate land either from a band member or a third-party leasehold member. That provision comprises approximately 25 lines, and that is it. It allows for a notice of expropriation to be filed and that fair compensation must be paid taking into account only the provisions of the Federal Expropriation Act.

As an example, a leaseholder of property on an Indian reserve could receive a notice to vacate the property within 30 days. Fair compensation must be paid — whatever that means. There is no direction on when compensation must be paid and no mention of any appeal process. You are left at the total whim of the band that passes their own land code.

Contrary to my position, those who support the bill will say that the passing of a land code requires a majority vote by eligible voters in the band. Under this legislation, 25 per cent of the eligible voters in the band can pass a land code. I have seen three such land codes. They had no reference or very limited references to expropriation. The result is that the party being expropriated is left totally at the mercy of the band.

I am not reading into this any bad practice on the part of the bands, but let me tell you of the events in British Columbia regarding the lands right off Marine Drive, next to the Shaughnessy Golf Course belonging to the Musqueam band. There is very bad blood between the leaseholders, some 80 homeowners, and the band itself.

Whether the reasoning is valid and whether I support it or not is immaterial. If you were leasing a piece of property from the band on the Musqueam reserve, you may have found that your rental on that land went up from \$400 in one year to around \$30,000. You would have found that your taxes went up in a similar manner.

There may be valid reasons for that and those matters are before the courts. The fact remains, however, that some situations will arise between lessors and lessees whereby bad feelings are created. If bad feelings are created and there is no governing legislation to protect individuals, bands could continue to act inappropriately. A band could decide to build a casino next

door or a school or a chief's front yard based on the public's "purpose." A leaseholder may be told to vacate within 30 days but may wait forever to get the compensation unless they choose to go to court.

I do not think any Indian chief or band wants to be considered as being likely to act in that manner and I am not suggesting that they will. However, I am suggesting that this legislation — and I say this as one who has been involved during my legal career in a number of expropriation matters — is flawed and faulty. It preserves no protection for those who should at least have a semblance of protection. After all, their lands are being expropriated.

• (1550)

I should like to point out an interesting fact. There are only 25 lines in the bill that address what a First Nation can do to a third party in a leasehold situation. However, if it is the federal government that wishes to take land by expropriation, honourable senators will find that some 100 lines in the bill are devoted to that measure. The bands seem to have protection if someone wants to expropriate their lands; yet third parties that find themselves in the position of losing their interest in their homes are not protected.

Let me tell you the impact of that if you happen to be a property owner in the Musqueam Reserve area in Vancouver. An individual whom I have known for many years has a home there. He put it up for sale because he was moving back to Calgary. He took me to lunch well before I was even aware of this legislation. He said to me, "Some legislation is coming to you that is causing me great grief." He told me about the tax situation, which is before the courts.

He told me that he once had his property up for sale and that the moment this legislation became known in the Vancouver market he received a letter from his realtor asking him to take his property off the real estate listings because there was no market for his home. That was because of the distrust that apparently exists in that area.

The gentlemen I am referring to has probably put between \$400,000 and \$500,000 into his home. He has moved to Calgary and wants to sell that house, yet there is no market for it. In his view and in that of his realtor, there is no market because of the ambiguities and the lack of detail concerning the expropriation remedies that are contained in this bill.

Honourable senators, I suggest that a simple amendment to this legislation would suffice. That amendment would stipulate that the expropriation provisions of Bill C-49 are bound by the provisions of the Expropriation Act. That would set out all the necessary rules and regulations. Fears would disappear. We could say to our aboriginal friends that we have legislation that people can support and that people will not look ill toward.

I recommend that our committee seriously consider putting forward an amendment of that nature. Even members of the other place are looking to us to consider an amendment of that nature.

I should like to speak briefly to the position in which women find themselves on our reserves.

I am hardly an authority in this area. From what I have seen, there are some serious problems with respect to the position in which women find themselves on our reserves in Canada. Frankly, I am not even certain as to what protection they are afforded under our legislation and jurisprudence.

If one were to examine the Charter of Rights and Freedoms, one finds that section 25 states:

The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

(b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlements.

The following question then arises: Does the Charter protect women on a reserve? I do not know the answer to that question. I look forward to the committee coming forward to give us their point of view on that subject.

The only statement that is made in the legislation before us relating to the rights of women on marriage breakdown with respect to property is found in clause 17, which states under the title, "Rules on Breakdown of Marriage":

A first nation shall, in accordance with the Framework Agreement and following the community consultation process provided for in its land code, establish general rules and procedures, in cases of breakdown of marriage, respecting the use, occupation and possession of first nation land and the division of interests in first nation land.

Basically, the legislation looks to the band to put within their land code the rules that will prevail in the event of marriage breakdown and the rights that women may have in that land. This issue has been examined many ways. Let me present to you, honourable senators, a couple of quotations which I have culled from the Report of the Royal Commission on Aboriginal Peoples in the area of women's perspectives.

At page 51 of Volume 4, it states:

A further complicating factor is the division of property when a marriage fails. Marriage and the division of marriage assets upon marriage breakdown are governed by provincial law, but the Indian Act is paramount on reserves. A court cannot order the division of on-reserve property on

the same basis as it can with other property. Likewise, no court can order that one party shall have exclusive possession of the matrimonial home. Indian women on-reserve, therefore, are seriously disadvantaged. In 1986, a precedent-setting decision was made on this point. In case of *Derrickson v. Derrickson*, the court held that a woman cannot apply for possession of the matrimonial home unless the certificate of possession is solely in her name.

It rarely is.

In another section of this same report, under the title, "Indian Women," it states:

If Indian people generally can be said to have been disadvantaged by the unfair and discriminatory provisions of the *Indian Act*, Indian women have been doubly disadvantaged. This is particularly so, for example, with regard to discriminatory provisions on land surrender, wills, band elections, Indian status, band membership and enfranchisement.

Unlike the husband, the wife received no allotment of reserve land upon being enfranchised.

There are other reports that deal with native-managed lands being a threat to women. There are reports from the Native Women's Association of Canada, who appeared before the House of Commons committee. They gave example after example of the deprivation, poverty and difficulties that women face living on reserve, particularly when it comes to separation.

The legislation before us today is basically silent on the question of women's rights on reserve. The legislation leaves everything up to the band council to arrange and to deal with. I am not sure if women on reserve are protected by our Charter. I find them to be helpless in these circumstances and totally at the mercy of the band council. We need amendments to this legislation, to show our concern and our respect for the problems of women on reserve.

I challenge our committee to come forward with amendments that will deal with that issue, to ensure that women on reserves are treated fairly, equally, and with dignity, as men have always experienced. This is an important issue. We would be derelict in our duties if we did not deal with it, and deal with it firmly.

Honourable senators, those are my suggestions regarding Bill C-49. It is an important piece of legislation. As Senator Chalifoux so aptly described, it is significant in many ways. I leave you to read her comments because they so clearly and aptly express the importance of the legislation. However, it is legislation with flaws and gaps, and which cries out for amendments. I look forward to working with the Aboriginal Peoples Committee in the hope that we can accomplish that.

Hon. Nicholas W. Taylor: Honourable senators, it is always a pleasure to rise to speak in this place, although the chances are

that you will be pushed into the shade somewhat when following my eloquent former opponent. He has always been able to charm the birds out of the trees, honourable senators, and he has not changed a bit. I find myself agreeing with him on some things, and certainly on the question of women and the question of expropriation. I am much more concerned with the issue of women than I am about expropriation.

• (1600)

I would not say that the bill has flaws, but it is a bumbling attempt to do what has taken us nearly 100 years to do in land law in Canada, and we are trying to do it overnight in the aboriginal community.

However, when you have a baby that is squalling, I can think of no one better to look after it than Senator Chalifoux. They picked the right person to spank it and bring it to life and turn it around, because it no doubt needs changing.

Senator Carstairs: No spanking!

Senator Taylor: Before I proceed from women's rights to address individual rights, I wish to address the question of expropriation. I can see the problem. I hear the non-native people squealing about expropriation.

You cannot rewrite history, but I wish the non-native people had been nearly as diligent and kind and interested in appealing to law when they confiscated pieces from reserve after reserve after reserve through the last 70 years in Western Canada. There is not a reserve in Western Canada that cannot point to a chunk which was taken away by an Indian agent in the 1910s, 1920s or 1930s and sold to a pal, whether they be Liberal or Conservative at the time. I hope there is no vengeance applied here, but I can see a certain amount of retribution if someone up there directing affairs puts us on the receiving end of it for a while rather than on the giving end of it. I suppose that we will have to look at how these expropriations take place.

Senator Ghitter mentioned the Musqueam, which is a good example of what can happen. In Senator Ghitter's and my own backyard, in the former Sarcee area by Calgary, they have leased land for some years. The Duke of Westminster granted leases for over 1 million people in west London, and they have been able to work out long-term leases where the ownership stays with the owner rather than the person who lives on the property, generation after generation.

There are many examples that Senator Chalifoux will be able to examine, and I think we can offer some help along those lines.

Also, you must remember that part of the Musqueam problem is not expropriation but raising the rent so high that there may as well be expropriation. There is a question here of whether or not we want to write into the act fees for rent and how much you can raise them. This could get fairly deep, particularly since the party opposite has considered rent controls anathema. It will be interesting to see how we work this out.

I now wish to address individual rights. Both sides of the House looked at this subject. The act we are discussing today is just one more act in a long series of acts dealing with the First Nations people and aboriginal people as groups. Part of classical liberalism, something in which both our parties believe, is emphasizing the individual. We have a tendency to deal with the First Nations as if they are a collection of ghettos where all we have to do is talk to the head person and everything else falls in line. That is not so. Many of our native people today may want to move off the reserve or have already moved away. Let us not forget that over half of our aboriginal people live off reserve today and want to buy a house or go into business, only to find that they are circumvented and stopped in every way. Their non-native neighbours can borrow from banks and get titles for land or whatever. We are not paying enough attention to the individual aboriginal who may not want to stay on reserve, who may not want to do what the chief and the band tells them, who may want to go off reserve and exercise a personal initiative to get an education or create a business, or simply to live in an area which is different from what the group thinks it should be.

We seem to have fallen into the trap of granting bands so much money, and then the band gets to decide, not only on divorce and property rights, but on who is and is not a member, depending on whether they married a male or a their grandmother married a white male or a non-white male. Bands are given authority that even the ancient churches in the Middle Ages did not have when it comes to what people have the right to do and their spiritual or morale development or what they consider is right. This might be a time to start thinking about the individual.

Honourable senators must remember that when we go to the land in this legislation, it will involve large sums of money coming into the hands of different native bands across Canada. It is probably time that they had that money so they could develop an economy of their own. What kind of economy will they develop? What will happen to the person on reserve or off reserve who wants a job in one of these companies that are set up with the monies? What kind of vote will they have? What rights will they have as shareholders? Will it be entirely a band-owned operation into which these monies will be invested?

We look at those areas, and we begin to think of something else that our non-aboriginal society has taken hundreds of years to develop, ombudsmen and auditors general. Millions of dollars are involved, and the average aboriginal person does not have even the right that you and I have, that of being able to appeal to the auditor general or an ombudsman if there appears to be things that are not working out the way they should in the administration of the band. This might be an opportunity to make available to the bands the same tools that we found necessary to govern ourselves, tools such as auditors general, ombudsmen, and so on. We are not doing that. We are talking about giving them some land and some money, wiping our conscience clean and walking off.

The only time I have ever seen any heat generated whatsoever on this land settlement is the situation that my friend Senator Gitter mentioned, one with which he should be well familiar.

The Government of Alberta, a government of which he was part, built an irrigation dam a few miles away from the reserve, and not one drop of that water is permitted to go on Indian lands. It is transported across the Indian lands for about 70 miles and used to water non-native lands. This is not something which just arose. Governments are still expropriating and taking away rights that properly belong to our aboriginal people. Yet, there are individual people on that reserve who would love to go farming and be able to borrow the money to get the equipment. The bank will not lend them the money, and they cannot get the water.

There are many things to consider in this matter, and I cannot think of a better person to lead "the crying and squalling baby" than Senator Chalifoux.

On motion of Senator Carney, debate adjourned.

• (1610)

PRIVATE BILL

CERTIFIED GENERAL ACCOUNTANTS' ASSOCIATION OF CANADA— SECOND READING

Hon. Michael Kirby moved the second reading of Bill S-25, respecting the Certified General Accountants Association of Canada.

He said: Honourable senators, Bill S-25 is essentially a housekeeping bill. It amends the act of incorporation for the Certified General Accountants Association of Canada, otherwise known to many of you as the CGA. The act of incorporation of CGA-Canada was passed in 1913 and it has stood largely unchanged since then. That year, CGA-Canada had 84 members, all based in Montreal. Today, CGA represents over 58,000 certified management accountants across Canada and accordingly their act of incorporation needs to be modernized to reflect the needs and character of the current membership of CGA. Modernization is essentially what Bill S-25 seeks to do.

In brief, honourable senators, this bill does three things. First, it provides CGA-Canada with a French name, l'Association des comptables généraux accrédités du Canada. Currently, there is no provision in the CGA act of incorporation for a French name. However, such a name is important for a number of reasons, not the least of which is that CGA-Canada is a participant in major international fora that deal with the setting of accounting standards. They need both a French and English name to properly promote the work they do in these international fora.

Second, the bill provides for the short form name "CGA-Canada." CGA accountants serve all sizes of businesses as accounting and tax practitioners. They occupy financial, management and policy positions in governments, financial institutions, charities and corporations. Over 20 per cent of CGA members, approximately 10,000 people, are currently employed by provincial and federal governments and in other public institutions. With such a widespread membership, the association needs a short-form name in order to make it easier to refer to the

background, training and expertise that these people have. For example, we all know who we are dealing with and the level of professionalism we can expect when someone is identified as a chartered accountant or, in short form, as a CA. The Certified General Accountants Association of Canada needs a similar short form designation so that people know who CGAs are and what training and experience they have had.

Third, Bill S-25 amends the powers and objects of the association to reflect the activities of the association as they are currently being carried out. For example, today, CGA-Canada acts as an important advocacy entity for its members. It develops educational programs for its students and members. It disciplines its members. It participates in setting international accounting standards. It conducts research and publishes papers. It also works with affiliated associations on issues touching the accounting profession in Canada. In short, the current CGA act of incorporation needs to be modernized and updated to reflect what CGAs in Canada actually do.

Bill S-25 will be able to provide the association with the proper legal framework for all its present and future activities.

Finally, honourable senators, I wish to emphasize that Bill S-25 is similar in structure, organization and character to the incorporation acts of similar professional organizations. For example, the Canadian Institute of Chartered Accountants, the CICA, was formed by a special act of Parliament in 1902, which act was amended and updated in 1938, 1951 and 1990, to provide the CICA with a modern framework for its activities. Rather than being a major reorganization of CGA-Canada and its powers, what Bill S-25 does essentially is to reflect the fact that CGA-Canada has evolved into a modern and professional accounting organization, and its act of incorporation needs to reflect that.

Some members of this chamber will know that this bill has been in the works for a long time. I was first approached to sponsor this bill three years ago when it was still subject to extensive negotiations. With these negotiations now concluded, I am confident in saying that honourable senators should support this bill once it has been reviewed by the Standing Senate Committee on Banking, Trade and Commerce. I believe it is important that professional organizations like the Certified General Accountants' Association of Canada have legislation which reflects what they do and the actual training of their members.

Therefore, honourable senators, I hope this bill will be referred to the Standing Senate Committee on Banking, Trade and Commerce where it can be examined in detail and then reported to this house.

Hon. Consiglio Di Nino: On a question of clarification, Senator Kirby has referred to the short name, "the CGA." Will that acronym apply in French as well as English, or is it intended that the French version will be different?

Senator Kirby: Honourable senators, it is intended that the same short name will, as I understand it, apply in both languages. I shall confirm that for you, but that is my understanding.

The Hon. the Speaker: If no other honourable senator wishes to speak, is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kirby, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

RECOMBINANT BOVINE GROWTH HORMONE

CONSIDERATION OF INTERIM REPORT OF AGRICULTURE
AND FORESTRY COMMITTEE ON STUDY OF EFFECT
ON HUMAN AND ANIMAL HEALTH—DEBATE ADJOURNED

The Senate proceeded to consideration of the eighth report (interim) of the Standing Senate Committee on Agriculture and Forestry entitled: "rBST and the Drug Approval Process," tabled in the Senate on March 11, 1999.—(*Honourable Senator Gustafson*).

Hon. Leonard J. Gustafson: Honourable senators, it is with pleasure that I rise to address the interim report on the Standing Senate Committee on Agriculture and Forestry in regard to the subject of rBST injections of dairy cattle.

Members of the committee have received a number of letters, phone calls and reporters' inquiries from as far away as New York and London, and across the country. The reason there has been such a response is the good work of those on the committee. Senator Whelan, who initiated this investigation into rBST has done a wonderful job and a significant amount of research. Senator Spivak and her office have also done a great deal of work in research. Senator Stratton, Senator Chalifoux, Senator Fairbairn, Senator Hays, Senator Rossiter, Senator Robichaud, Senator Taylor and Senator Hervieux-Payette have all put in hours and hours of work and made tremendous contributions.

The response from the public has been overwhelming. We have received many letters on this issue. Most of the letters begin by thanking this committee of the Senate for the work conducted on this subject. Many of these letters are from consumer and other groups.

• (1620)

We all know that milk is an important product. I would suggest that few of us would be here today if it were not for milk. At any rate, it was the main course of our diet for the first few months of life, and then on.

What happens with rBST? It is a genetically modified hormone growth drug that is injected into the dairy cow every 14 days, usually under the tail or into the meaty part of the cow. There have been many reports from people who gave testimony before the committee that mastitis in cattle was a major problem following rBST injections. The committee was also told that cattle experience swelling of the legs and the appearance of sores as a result of rBST injections.

I am a farmer. I have worked with cattle all my life. There is a great deal of concern about rBST. I recommend that every senator read this detailed report. We cannot cover all of it today, although I am sure various speakers will touch on many of the recommendations.

The major recommendation was for continued study and scientific investigation into rBST. We had something happen in the Senate committee that has not happened in the 20 years that I have been here. Of the five witnesses from Health Canada, three of them would not give testimony unless they swore an affidavit and were sworn before the committee, for their own protection. I have not witnessed anything like that in my 14 years in the House of Commons and six years here in the Senate.

I do not believe that I am exaggerating when I say that some of what they reported to us was alarming. There was a report of stolen papers, reports of coercion, reports of manipulation. Most of it is covered in the report. If you care to read it all, I believe you will find it to be of importance.

The report summarizes the full range of testimony received by the committee. It summarizes the testimony of those witnesses who believe rBST to be harmful and those who see rBST as a useful production tool. Both those groups expressed the opinion that there are management problems in the Health Protection Branch. That is an important point, because while the committee has dealt with the health of animals situation, the injection and the effects on humans, we feel there has not been sufficient study. Also, the issue of licensing by Health Canada was raised.

Regarding licensing, we must understand that rBST is not at this point licensed in Canada. It is licensed in the United States and, in that regard, it is my understanding that there are two senators who are taking up that issue in the United States, because of the work done by our committee and the publicity that resulted from that work. The whole issue of how it is handled, who does the licensing and how Health Canada will handle the situation, is very important.

I wish to dwell for a moment on the term "genetically modified," which involves this whole subject, along with grains and other products. Certainly, we wish to balance, not stop, any scientific advancement into areas that are important to agriculture, and so on. However, when the Senate committee was in Europe, the first thing we would hear about — it did not matter which country we went to, with 25 hearings in 10 days — was genetic modification. It would usually be the opening subject.

I will give you one example. Europe will not take canola from Canada because our canola is genetically modified. Yet, strangely enough, they will take the processed canola from the United States. I did point out that canola that was not genetically modified had gone from my farm, but there certainly must have been some of it, to the processing plants in the United States where it was processed and then shipped. It is good that we can ship through the United States, however, what will it do to trade? Europe will not buy our canola product. We must be careful not only about the effect of genetically engineered products on our health, which is important, but also the effect on international trade.

In many weeks of hearings, and during the time spent considering reports and recommendations, the committee was careful to consider all points of view and information brought to its attention. Again, we wish to thank the witnesses for their testimony. It is the committee's intention to call further witnesses. We intend to call officials and scientists from Health Canada, because we feel there have not been enough studies done on this. I believe Senator Whelan and Senator Spivak will have a great deal to say about some of these things.

Honourable senators, I will be brief now, because I know that there are others who wish to speak on this important subject. I wish to thank the committee for its work. I believe that this issue is important to all Canadians. The committee must continue to do good work.

Let me conclude by throwing a little flower to the Senate committee at this time. I wish to say the following: I have sat in both houses — and this is not to downgrade the House of Commons committee — and the expertise in the Senate committee is outstanding. There are not the political exchanges, back and forth, in the Senate committee that there are in the House of Commons counterpart. In general, there was good agreement on the things that were positive or negative.

I wish to take this opportunity to thank each member for the work they have contributed, and I look forward to hearing what you have to say about this important subject.

Hon. Nicholas W. Taylor: Honourable senators, I should like to ask the honourable senator a question, if I may.

Senator Gustafson: Certainly.

Senator Taylor: A headline in the local paper stated that the Health Canada scientists, who you had mentioned earlier in your speech had taken affidavits in order to be able to talk, had been gagged by the department over their protest and will likely be under gag order for the rest of their careers, despite a Senate promise to keep an eye on Health Canada's management problems.

I wish to ask the chairman of the committee what actions he thinks should be taken if, indeed, these people who talked to our committee have been put under a gag order for the rest of their lives?

Senator Gustafson: First, we intend to call the scientists back to the committee, to hear firsthand whether there are any problems.

In addition, I believe the deputy minister gave us assurance that there would not be any retaliation in the committee. I see some honourable senators shaking their heads, and I believe I am right on that situation. Therefore, as a committee, we certainly intend to get to the bottom of that situation.

• (1630)

Hon. Eugene Whelan: Honourable senators, to add to what Senator Taylor has said, we also have a letter from the minister stating that no reprisals would be taken against the scientists who went public with their feelings.

I know that I will be repeating some of the things that my chairman, Senator Gustafson, has said, but I should like to thank honourable senators for giving the committee the opportunity to research this issue. I think this committee well illustrates the level of cooperation which can be achieved on important issues such as this. I have great respect for all the senators who sit on the committee, as they have made real contributions, and I appreciate their support in this undertaking.

First, the document the committee released is merely an interim report. This report is by no means final. The committee will be holding further hearings to hear from the scientists who testified before the committee last year to see what, if any, changes have been made. We will hold accountable all those who made promises before the committee.

The Standing Senate Committee on Agriculture and Forestry's investigation of the hormone rBST was important to me for a number of reasons. I feel strongly about the Canadian food supply and ensuring that Canadians have complete confidence when purchasing food for their families. The fundamental job of Health Canada — and we should be absolutely clear about this — is to protect the health and safety of Canadians.

When I was your minister of agriculture, my department spent an unprecedented level on research to ensure that Canadians were protected from bad science. I am proud of that record during those 11 years, as it illustrates that I am a strong proponent of good, safe and efficient biotechnology. As a committee we used our resources, our researchers and our powers of evaluation. The committee's staff worked long hours. I am sure it was a living, learning experience for them to work with us.

The committee heard from various groups who were disturbed about the potential introduction of this hormone, as well as Health Canada's involvement in the process. We heard from Health Canada scientists who felt pressured, consumer groups who felt powerless, as well as the Deputy Minister of Health, David Dodge, who felt "extremely concerned." I found particularly convincing the testimony the committee heard from the National Dairy Council of Canada, which represents the heart

of the industry, the dairy processors and the marketers. These people are responsible for putting this product on your shelf. This organization "remains adamantly opposed to the use of rBST...as there are no demonstrable consumer, manufacturer/marketer benefits from the use of rBST in milk production in Canada." Dairy processing is the second largest sector of the Canadian food and beverage processing industry.

Honourable senators, rBST is a production drug. It is not a therapeutic drug. It does nothing for society whatsoever. What I found to be most disturbing about the possible introduction of this hormone was the committee's uncovering of the lack of any real scientific testing. In fact, there is no chronic health data on rBST, and it is impossible to prove what effects it will have on humans.

Honourable senators, this committee has well represented this chamber in our efforts to prevent feeding the entire nation a residue of some chemical or biological material which lacks chronic health testing. I repeat: This material lacks chronic health testing.

I am not against biotechnology or biodiversity. I have a strong background in agriculture, and I am well aware of how many of the products that have been developed have greatly improved the efficiency of our rural producers. There are those who believe that the fear over rBST is misplaced and accuse the committee of standing in the way of progress. However, there is no need for this hormone in our country. Canadians have a constant, clean supply of milk which is envied worldwide. RBST is not a cancer-controlling material or a vaccine for polio or AIDS.

I might add, honourable senators, that I did not institute the milk supply system. It was instituted by Senator Hays' late father. He worked with the provinces and the producers of this nation. They established the Canadian Dairy Commission, which was one of the greatest steps forward in putting dairy farmers, from Nova Scotia to Vancouver Island, on an equal basis. Before that, the Quebec dairy farmers were way down here, as were the farmers in Atlantic Canada. The highest level was in British Columbia. Next to British Columbia farmers were the farmers in Ontario. British Columbians were the first to organize a supply management system for their milk. Some people said I did it, but I was only four years old when they put it into effect. I was a consumer of milk at that time. I do not know if I was a good manager of supply at that time. British Columbians did it in 1928, and it is one of the most sophisticated systems for any product of which I am familiar. No one can argue with what they do. Quebec is now in that same position. Why? Because we give them an economic return for producing a high-quality product. Never in our lives have our dairy products been of the quality they are at the present time.

The committee also received over 1,000 letters. I challenge any chairman of any committee to say that they have had that kind of response. As Senator Gustafson said when referring to the letters, they generally began with the following: "I never had much use for the Senate, but the work you have done is tremendous." These are individual letters.

Honourable senators, when one person sits down and writes you a letter, at least 500 people are thinking the same way. I received around 500 letters. Other members of the committee received letters. The clerk of our committee, Mr. Blair Armitage, also received many letters of commendation for what we were doing.

Current investigation surrounding rBST involves investigating serum proteins, which have been identified by Dr. Michael Dowshe at Toronto Sick Kids Hospital as part of the trigger of juvenile diabetes. In North America, it is estimated that 15 per cent of all medical costs are related to the treatment and management of diabetes. Each year in the United States alone 60,000 people die from diabetes. These results are one of the major concerns in Europe, where this hormone has yet to be sanctioned.

While I am talking about that, a press release today points out that the European Community ban on the Monsanto hormone is likely to continue for another five years. The *Wall Street Journal* reports this morning that the European Union's five-year ban on Monsanto's synthetic cow hormone is likely to continue because a government-appointed scientific panel is raising human health concerns dismissed by other governments. The moratorium on the company's genetically engineered bovine somatotropin that aims to increase a cow's milk output by as much as 15 per cent was scheduled to expire on December 31. An EU panel issued a report Monday that requested more study into whether cows treated with the bovine hormone also produced an insulin-like growth factor in their milk in such quantities that drinking it raised the risk of cancer in humans.

• (1640)

As I have said, these results have raised major concerns in Europe. They talk about how many countries have approved this product. How many of these countries can export a quart of milk? The main exporting country is the United States, but there was sponsorship at the Codex meeting from Australia and New Zealand. Those two countries have banned this product in their own countries, but when they went to an international meeting they supported the United States because the United States has approved it. I find that to be hypocritical.

As I said, the *Wall Street Journal* reported this morning that the European Union's five-year ban is likely to continue. Monsanto is quoted as saying that it will contest the conclusions of the EU committee report was issued yesterday. This report requested more study into whether rBGH treated cows also produced an insulin-like growth factor in their milk. This IGF, as it is known, in large enough concentrations has the potential to cause cancer in humans.

These European Commission claims are in sharp conflict with the policies of the American Food and Drug Administration, whose policy was largely based on unpublished and confidential Monsanto claims that this hormonal milk is safe.

The Standing Senate Committee on Agriculture and Forestry has also been effective in looking at the role of Codex, the World

Health Organization body which is setting international food safety standards. This organization has given an unqualified clean bill of health to rBGH milk.

Senior FDA officials in the United States and industry are represented on Codex, but who is sticking up for the best interests of Canadian consumer? Seventy per cent of our current research funding is from industry, and I believe that is very bad. I have always looked upon research as our most important product. With 70 per cent of it being funded by industry, how can it be independent? We know that our researchers are scared now. If they express their true feelings and are released from government, where will they go to work? Who will hire them? A dangerous situation is being created in our society. We must protect society with independent, good and honest research.

The Codex organization is clouded in secrecy. When do they meet? Where do they get their information? Membership on the committee is not permanent. Rather, members are appointed prior to each meeting. The relationship between Canadian regulatory officials and Codex is a matter of critical concern to our consumers. It is a relationship which this committee will investigate further.

The situation in the United States is of great concern. The Food and Drug Administration has indicated that it has no long-term health data on either rBST as a pure chemical or rBST-derived milk, yet they approved its introduction to over 275 million people. In fact, in the United States there was not one single health test done on milk from rBST treated cows. The deputy director of the Food and Drug Administration, Dr. Steven Sundlof, was a former officemate of the director of research for Monsanto when they were at the University of Florida, and Dr. Sundlof served on the 1993 Food and Drug Administration advisory panel, supposedly as an independent, unbiased researcher. He was later hired as second in command of the Food and Drug Administration under then director David Kessler. This does not sound like a legitimate health review.

Monsanto lost \$250 million last year. Their stock price fell yesterday after news of the European Commission's report. How can we be certain that the best interests of Canadians are being represented above those of a multi-national corporation when their main concern is their international stockholders?

In biological research, in order to determine the effects of materials on populations, a small group of animals is employed as a sample of what might occur in a larger population. Tests were done for 90 days on 30 rats. We do not know if they were big rats, little rats, fat rats or skinny rats. Is 90 days of tests on 30 rats over nine years good enough for Canadians? I say that it is not. These discrepancies serve to support our concern about not exposing Canadians to something with no chronic health data.

Health Canada released its report on January 17, although the committee was told that it would be released in June, just before the Codex meeting which was to take place in Rome. Suddenly the report was released on January 17, although it was not supposed to be ready until June. The process was certainly

speeded up. It is obvious they did not have very much knowledge. I am shocked that the doctor said there was no damage to human health, yet the veterinarians reported that there was damage to the cows. That is just unbelievable.

In its report, Health Canada said that rBST was being denied due to potential harm to animals. How could they make a decision for or against when the committee had not seen any hard evidence? This is why I emphasize that our report is merely an interim one. We will bring those responsible for this decision before the committee and ask them how they came to this conclusion.

The committee would welcome Monsanto's scientific evidence.

The Hon. the Speaker: Honourable Senator Whelan, your time has expired. Is leave granted to allow the honourable senator to continue?

Hon. Senators: Agreed.

Senator Whelan: Thank you, honourable senators.

The committee would also welcome the results of Monsanto's chronic health test.

This issue has given the Senate more positive media attention than any other in recent memory. The results of our investigation have been reported in major media outlets in Mexico, Australia, London, Berlin and Paris. The *New York Times* and the *London Observer* have both made mention of the committee and its investigation. Our committee has accomplished a great deal, but we are by no means finished. The committee must work as diligently as the hormone manufacturer who is planning an appeal, we are told, of the Canadian ruling.

The Senate receives its fair share of criticism over spending and accountability. Voices of disapproval are sometimes heard from within this building as well as from without. I suggest that in a case such as this our elected colleagues in the Canadian population should be thankful that the chamber of sober second thought is alive and well. They are getting good value for their money. We have worked to our full potential. We have not let partisan interests get in the way of our work. The sanctity of the Canadian dairy supply, renowned worldwide for its purity, is safe because of the work done by this committee. There is no need for the addition of this hormone.

There is some suggestion that this issue may arise once again, perhaps after I have left office. I ask my honourable colleagues who are fortunate to have terms which will extend well into the 21st century to ensure that this does not happen. We cannot allow any shortcuts when it comes to the role of biotechnology, especially as the number of applications to the Health Protection Branch skyrocket. We are told that they will increase in the next five years from 200 per cent to 500 per cent. RBST must not be approved until such time as the evidence is clear that it is safe for

humans. That evidence is not yet available. I am confident in the knowledge that it never will be.

• (1650)

Hon. Mira Spivak: Honourable senators, it is a great pity that Senator Whelan must retire. One thing that he should do in his retirement is lecture on the topic of "Everything you wanted to know about rBST but were afraid to ask." I certainly agree with his remarks about the operation of the committee. I want to say that there were no flies on the Canadian Senate committee. Those of you who are farm people will understand that reference.

The testimony of Health Canada scientists and their Gaps Analysis report before our committee had quite an impact, not just in Canada but in the United States and Europe as well. Their finding that the only 90-day toxicology study on rBST was misreported years ago has prompted two other studies. Senators from the State of Vermont questioned the U.S. Food and Drug Administration. As well, other U.S. public interest groups have petitioned the FDA to take bovine growth hormone off the market in the United States.

This summer, the Centre for Food Safety and more than two dozen American consumer groups are expected to take the next step and challenge the FDA in federal court.

Recently, our research has documented improprieties prior to the last meeting of the Joint Expert Committee on Food Additives. JECFA is the international scientific body of the Codex Alimentarius Commission. JECFA's opinion that there is little or no risk to human health was presented to our committee as the gospel. Last month, Britain's *London Observer* called us for comment. Our evidence showed that confidential reports from the European Union and public interest groups on two continents were leaked to Monsanto before JECFA's meeting. That is not supposed to happen. As a result, Consumers' International, the organization representing hundreds of consumer associations worldwide, is calling for a new JECFA review of rBST.

Next June, when the Codex Alimentarius Commission meets in Europe, our committee's evidence on the 90-day study, the virtual lack of direct science and the new discovery of interference at JECFA will be at issue. This month, the BBC is coming to Ottawa to document what we have learned. They will interview Senator Whelan.

Why has the review of one drug stirred so much interest in Canada and elsewhere? In a word, it is a matter of trust. Canadians learned that, for almost eight years, officials in the Bureau of Veterinary Drugs did not apply due diligence in their review of rBST. Canadians learned that, just 21 days after Monsanto filed its submissions, the Bureau of Veterinary Drugs told the manufacturer that there were no unresolved safety problems. They learned that the department had waived the standard requirement for long-term studies. We have heard that there is, to this date, as I speak, very little direct research on the human health effects of rBST. Yet they waved it through.

Through our committee, Canadians learned that rBST files were stolen at the bureau. Drug evaluators believed the manufacturer had tried to bribe them. Health Canada scientists were muzzled after they began to talk publicly about the drug review. Even our committee, a committee of Parliament, could not get the bureau to give us the Gaps Analysis report on rBST with the key information intact. We did not get it. The sheer weight of evidence led to one conclusion: Changes are needed at Health Canada to restore public trust.

The committee's interim report makes sound recommendations to that effect. We trust that the Minister of Health and his deputy minister will look at them seriously. The deputy minister told us that the public, not industry, is the client of Health Canada.

The evidence of the drug approval process gone awry at the health protection branch matters little to agencies or public interest groups in the United States or the U.K. Why, then, are they so interested in our committee's findings? Again, the operative word is trust. They want to be able to trust that proper studies have been done before people in Europe are exposed to residues of rBST. In the United States, they want to have confidence that people are not being exposed to residues that will adversely affect their health in the long run. Somehow, we take this for granted and yet it does not always happen.

This month there is more cause for concern. The report of the European Union's scientific committee, to which Senator Whelan referred, made reference to direct risks with rBST milk. Chiefly, there is a possible increase in a residue called IGF-1 which, among other things, is associated with breast and prostate cancer. That report has been tabled. It states that experimental evidence for a connection between IGF-1 and breast and prostate cancer is supported by epidemiological studies. The activity of IGF-1 is essential in the cellular differentiation process and regulates the expression of several genes and acts as a cellular growth factor. It questions the establishment of a "no adverse effect" level, calling it a paradigm in conventional risk assessment.

I reference that latter comment because risk assessment is always put forward as the way to go, and not necessarily a precautionary principle.

The European report also cites potential changes in milk which might prompt allergic reactions and an increased risk of antibiotic-resistant bacteria.

Last spring, the Senate passed a motion by Senator Whelan calling for further study on rBST. To date, all the evidence we have heard confirms that further study is required. Unfortunately, despite Health Canada's announcement in January that it would not approve Monsanto's submission, the manufacturer is not accepting the decision. Instead, dialogue is continuing with Health Canada officials to counter the department's concerns about animal safety.

Monsanto also tells us that it disagrees with the other expert panel, the human safety panel. They approved the drug for further research but suggested that the 90-day toxicology study should be repeated. It seems that some officials in the Bureau of Veterinary Drugs also believes that there is no need to redo the work.

Our committee's interim recommendation for long-term studies — that is, studies longer than 90 days — obviously differs from the findings of the Canadian external panel on human safety. The question then arises: Why should we differ with the opinion of experts assembled through the Royal College of Physicians and Surgeons? I want to address that issue head-on. It might have been easier for us to take the panel's report as the last word on human safety, but scientists, including a retired Health Canada drug evaluator, and others who have studied the science for more than a decade, are critical of the report of that expert committee.

The committee wants to hear from the panel, and from those who disagree with its conclusions. Now that the scientific panel of the European Union clearly disagrees with the Canadian panel, it is even more important to weigh the new evidence. There is a whole list of studies talking about that in the appendix of the European scientific committee study.

The committee also wants to hear from the Canadian panel on animal safety and to give Monsanto officials the opportunities to refute its conclusion that rBST poses an unacceptable risk to human health. On that score, the European Union scientific panel also concluded that rBST causes unacceptable levels of mastitis, lameness and other problems.

We want to be open-minded in hearing all new evidence. At the same time, we believe it would be a mistake to agree to closure on human safety concerns in Canada and elsewhere based on the latest Canadian panel report. The evidence we have heard to date leads to the recommendation that long-term studies are needed. We so recommend.

It is a tribute to the work of the Senate, and to this committee in particular, that our study was completely non-partisan. Senators from both parties called it as they saw it. If there was any bias at all in our committee, it was in favour of seeing that Canadian farmers have every advantage, every production tool they need to compete and produce high-quality food.

• (1700)

Many of us have farm backgrounds. We are very concerned about the financial crisis facing our grain and hog producers. We are very aware of the need for all producers to stay competitive. We also know that the long-term survival of producers rests on consumer confidence. We want nothing to undermine that confidence or to cause Canadians to drink less milk or to eat fewer dairy products. By the same token, we know that public trust in the Health Protection Branch in the long run rests on evidence that the public health is foremost in the review of any drug.

I applaud the Minister of Health for his decision in January. I always knew he would do the right thing. I hope the minister and any future minister of health will stay the course. I hope that the government will take our recommendations seriously and that officials in future will be more rigorous in their demands on drug manufacturers to prove safety.

Hon. Consiglio Di Nino: Honourable senators, would my colleague entertain a question?

Senator Spivak: Certainly, honourable senators.

Senator Di Nino: In the *Quorum* of today was an article which dealt with this issue. It talked about a European Commission study which claimed that rBST is linked to breast and prostate cancers.

During the committee's deliberations, were there others who made similar claims? Were there experts who claimed that there were other potential damages to the human body as a result of ingesting rBST?

Senator Spivak: Honourable senators, during the committee deliberations we heard about a recent Harvard University study which was done in conjunction with Mount Sinai Hospital. We have to be careful, honourable senators. No one is saying at this point that the IGF-1 within the rBST in milk causes breast or prostate cancer. What is being said is that there is a correlation between elevated levels of IGF-1 and breast and prostate cancer and, perhaps, other things.

There is a call for further study, which is exactly what everyone who has been involved with this matter has called for. The superficial way in which this drug was dealt with is really quite shocking. After 21 days with no examination and then saying that it is safe is not the way to do it. In the United States, the Food and Drug Administration misreported it. There is something not exactly kosher, if you will pardon my expression, about this whole thing.

Senator Di Nino: I should like to ask the chairman of the committee if the committee intends to study the report of the European Commission mentioned in the article to which I just referred.

Senator Gustafson: Honourable senators, there was a consensus that we have further study and that we consider other scientific reports on this issue. That is what the committee intends to do.

Senator Whelan: Honourable senators, I, too, should like to ask the chairman of the committee a question. He talked about the genetic work that is being done. Is he aware that, today, in Sao Paulo, Brazil, Brazilian authorities ordered that work be stopped on a plantation on which Monsanto is growing a new, genetically altered soybean? This move comes only days after state authorities ordered Monsanto to provide environmental impact statements for all the areas in which they are growing genetically altered crops. The state's agriculture secretary has said that whoever fails to inform the agriculture ministry about

research on genetically altered organisms cannot continue to work. Is the chairman of the committee aware of that?

Senator Gustafson: Yes, I am. In fact, there was a full-page article in one of the daily newspapers about genetically modified grains, including 30 different grains, vegetables and, in particular, soybeans, which is a competitor to canola, a crop which I grow.

On motion of Senator Milne, debate adjourned.

STATE OF FINANCIAL SYSTEM

CONSIDERATION OF INTERIM REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON STUDY—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the sixteenth report (Interim) of the Standing Senate Committee on Banking, Trade and Commerce entitled: "The Governance Practices of Institutional Investors," tabled in the Senate on November 19, 1998.—(*Honourable Senator Oliver*)

Hon. Donald H. Oliver: Honourable senators, I stand to participate in the debate on the sixteenth interim report of the Standing Senate Committee on Banking, Trade and Commerce entitled: "The Governance Practices of Institutional Investors."

It gives me great pleasure to rise today to join in this debate following the words of Senator Angus a couple of weeks ago. I say that because I was one of the people who strongly urged the Senate Banking Committee to undertake this study.

In 1995-96, the Banking Committee undertook a very important study on the elements of corporate governance of Canada's publicly traded companies with a view to making recommendations for changes in the governance aspects of the Canadian Corporations Act. During this study, we had occasion to meet with a number of witnesses who discussed with us the role that institutional investors played in Canada's capital markets. This was of great interest to me. At that time, I put questions to many of the witnesses who appeared before the committee about the role of institutional investors in Canada's capital markets, their growing power, and how institutional investors affected the corporate governance practices of companies they held shares in and whether more disclosure about their activities was called for.

I based my questions, in part at least, on a study done by Dean Ronald Daniels of the University of Toronto Faculty of Law and Professor Randall Morck of the Faculty of Business at the University of Alberta. In their article entitled, "Canadian Corporate Governance: Policy Options" the authors ask the following questions:

Who are the people who run pension funds?

How well do they do their jobs?

What incentives do they face?

To what extent do they promote their own interests or interests other than those of their beneficiaries?

Daniels and Morck state that these questions have largely gone unasked and unanswered in Canada — this in spite of the fact that pension fund managers regularly make multi-billion dollar decisions that constrain the decisions of large corporations and affect the retirement security of millions of Canadians.

Ed Waitzer, the former chairman of the Ontario Securities Commission said in response to one of my questions:

We need to build up some knowledge in a hurry. That sector will continue to grow in a hurry and will exercise a dominant influence on our economy. There will be too much concentration and too much power in the hands of too few. We will not understand it and we will end up with bad policy.

The focus for our inquiry into institutional investors was divided into two parts. One was the influence that institutional investors may have over the corporate governance activities of companies in which they invest. The other complementary focus dealt with the corporate governance practices of institutional investors themselves and their responsiveness, if any, to the demands of those whose pension contributions they collect and invest.

One example of the influence of institutional investors over the corporate activities of companies in which they invest occurred quite recently. I read in the *National Post* about Noranda mines. The article said that Noranda announced a month or so ago that it planned to create two classes of common shares. This was designed to facilitate its merger with Falconbridge Limited. However, some feared that this was the first step along the way of creating a two-tiered structure of voting and non-voting shares at Noranda. This would severely hurt minority shareholders. Both the Investors Group and the Ontario teachers' pension fund, both owners of significant blocks of shares, announced that they would vote against the plan at the upcoming corporate meeting. The plan was dropped because of this negative feedback from Noranda's institutional investors.

• (1710)

In order to appreciate the importance of these corporate governance issues, one must take into consideration the size of the institutional investors. In 1996, the 15 largest public sector pension funds had assets of approximately \$150 billion Canadian, the 15 largest private sector pension plans \$50 billion, and Canadian mutual funds and insurance companies had assets of over \$250 billion Canadian. With this enormous magnitude of resources and access to resources through the continuing contributions to pension plans and mutual funds, institutional investors have the potential to exert a considerable degree of

influence over the economies in which they operate and the corporations in which they invest.

I find the whole area of institutional investor activism particularly interesting.

Tom Gunn, Senior Vice-President of Investments for OMERS, the Ontario Municipal Employees Retirement Board, stated about a year ago that OMERS is thinking about:

...whether or not we should look and do the overall governance scores of companies and to come out with some thought as to who are the best governed companies in Canada and whose governance is lacking.

The reality is that institutional investors are becoming more active in Canada. L.R. Wilson, the former CEO of BCE, testified before the committee that the company's largest shareholder had recently visited BCE with a very structured list of questions, many of which related to the governance of the company, including questions on the role of the board of directors of BCE.

At a February 1998 conference on corporate governance and accountability sponsored by the OECD, participants noted that increasingly close contact between institutional investors and management in the form of private meetings was taking place. Competition among the various institutional investors for greater returns on their portfolios is resulting in a more direct probing of management regarding company strategy and performance.

I must say, honourable senators, that I have serious concerns about these private meetings that are held by some of the pension funds and the corporations in which they invest.

The potential cause of this new activism is that it is often difficult for institutional investors to sell their shares in underperforming companies. Why is that? Because moving very large blocks of shares may significantly affect the price of those shares in an unfavourable direction. The alternative to selling is to become more active in that company. As the OECD notes:

The future of governance by institutional investors may include less crisis intervention and more continuous strategic involvement between directors and large owners.

Institutional investor activism will bring with it a number of different policy questions, in particular in the area of differential treatment of large and small investors. The central concern is the privileged access that institutional investors may have in private meetings with management. Even if insider trading rules are not broken, special access is likely to give institutional investors a valuable privileged insight into a company.

In fact, if the actions of institutional investors may truly benefit all investors, then this is not a problem in practice. However, who decides whether a specific intervention is in the interest of all investors, particularly since not all investors have the same objectives or the same interpretation of data and events?

In fact, some witnesses who came before the committee took the point of view that institutional investors should not be assigned the responsibility of being the watchdog of the corporate world. Their investment policy objectives do not in every case coincide with the interests of every other investor. J.C. Delorme, former chairman and CEO of la Caisse de dépôt et placement du Québec, said that many institutional investors do not want to be the watchdog. It is, of course, obvious that institutional investors have the fiduciary responsibility to represent the interests of their constituents, and not of society in general.

Obviously, these differing viewpoints indicate a need for a deeper understanding of how institutional investors can, and do, wield influence, as well as how they should wield such influence. We were helped by various witnesses who gave valuable evidence as to the issues faced by institutional investors. Professor MacIntosh of the University of Toronto, an expert in corporate governance issues, argued:

We would expect institutional investors to be better overseers than retail investors, simply because they have much larger interests at stake and, therefore, are likely to take a much keener interest in who is running the corporations in which they have invested.

His empirical work found that where there is a high institutional ownership, there is a higher return on assets and equity. He went on to say that legal restraints make institutional investors less active than they should be.

The absence of confidential voting is a key issue. Banks and life insurance companies, for example, do not want to get involved in governance if it would adversely affect their relationship with current or potential clients. If confidential voting were instituted, management would not be able to see proxies and to punish shareholders for not supporting management. Pension funds — institutions that do not have this problem — have been the most active in governance issues.

The proxy rules are another legal restraint. If institutional shareholders engage in communications about a corporation in which they hold shares, then they trigger the requirement for a dissident proxy circular. This prevents informal communications among institutional shareholders that might be beneficial to all concerned, including management of the corporation.

Institutional investors do not micro-manage. They tend to get involved in the big-picture decisions, such as the adoption of poison pill defences, or decisions about mergers.

One expert on American institutional investors raised an interesting issue in comparing Canadian and American funds. He suggested that some of the larger Canadian pension funds are active in corporate governance in a less public and perhaps less confrontational way than their United States counterparts. It may be appropriate, he then went on to say, to have public disclosure of the initiatives of Canadian public pension funds.

This last issue was picked up by Mr. William Riedl, a Canadian expert on governance issues. He was of the view that, in Canada, it is not necessary to have the aggressive monitoring and targetting of companies that take place in the United States. The level of institutional investor competence is higher in Canada than in the United States. Further, American investors have a much larger number of companies to monitor than do Canadian investors. Canadian institutional investors should become more intimately acquainted with a smaller number of companies.

Mr. Riedl felt that the potential for public disclosure and embarrassment could lead to a change in corporate behaviour, and the fear of publicity is a stronger incentive to change than the publicity itself.

On the issue of transparency with respect to communications between an institutional investor and a publicly traded corporation, Mr. Riedl argued that disclosure should not be required unless share trading activity takes place. The issue is one that comes up again and again. What good is it to the small investor if he or she does have access to the same information as the institutional investor only after the institutional investor has already acted? On the other hand, should we constrain institutional investors from acting on information that they have obtained and that anyone else could obtain by asking the right questions? Clearly, the institutions have resources to make use of and to gather information that small investors simply do not have.

We are all concerned about transparency — that accurate and timely information is readily available to those who want it. This is as true about the activities of the big institutional investors as the activities of publicly traded corporations.

The other issue that confronted us during our committee hearings was the internal organization of institutional investors themselves — in other words, their own governance practices. Here, of course, we are dealing with the issue of accountability and how it can be built into a system of governance. While no witnesses before the committee suggested that there was a crisis in either the pension fund industry or the mutual fund industry with respect to governance issues, almost everyone stated that there was considerable room for improvement. The size and role of institutional investors has changed so dramatically in recent years that in some cases governance practices have simply not had a chance to adapt to the new situation.

• (1720)

John Por, a governance expert who worked with the committee, focused on large public sector plans. He testified that:

The governance practices, at least in our view (Cortex Consultants), of large public sector pensions should be examined with the purpose of building guidelines for improvements.

He added that in general, "there are few well-governed boards." His view is that even among academics there is not generally accepted criteria for evaluating the performance of public pension plan boards.

John Palmer, the Superintendent of Financial Institutions, expressed similar views with respect to private plans. He said:

Over the years, our work of supervising and inspecting pension plans has uncovered periodic problems and examples of inappropriate behaviour. Such problems include what we considered to be inadequate professional work by auditors, actuaries and other advisers, inappropriate investments, the taking of investment commissions by plan administrators and actuaries, excessive or inappropriate plan expenses, conflicts of interest in connection with investment decisions or the conferring, granting of benefits, and plan amendments conferring past service members, in the absence of adequate funding.

The Hon. the Speaker: Honourable Senator Oliver, I regret to interrupt you but your 15-minute speaking period has expired. Are you requesting leave to continue?

Senator Oliver: Yes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Oliver: Thank you, honourable senators.

Continuing with the words of John Palmer:

As far as we know, most plans are well managed and well founded. However, some plans could benefit from improvements in governance procedures and from better funding.

Another expert, Mr. Keith Ambachtscheer, expressed concerns about how informed are clients of institutional investor services, including pension plan holders. He said:

We should all have a concern about the current system relating to this idea of unbalanced information between buyers and sellers of pension fund services. A survey was done whereby 2,000 Canadians were asked whether they knew what level of mutual fund fees they were paying. An astounding 45 per cent of them did not know that they were paying any fees at all. The rule in pension economics is that for every 1 per cent of return you give up, you lose 20 per cent in your final pension.

All of these concerns, so artfully stated by witnesses before the committee, have at their heart the problem of how to ensure that accountability exists. Pension funds present a particular problem in this area. In the corporate world, shareholders elect directors to protect their interests. If shareholders want to, they can topple

directors or simply opt out by selling their shares. Shareholders have a significant degree of control over their own destiny.

Pension funds, however, are not institutions that people move into and out of easily. Further, there may be little information available evaluating their performance. Simply stated, complications arise when an organization is not subject to clear market pressures. Professor Jeffery Macintosh of the University of Toronto testified that:

If you look at the whole array of controls that exist to discipline corporate managers, you take away almost all of them in the case of pension funds. That is why pension fund governance is a much more difficult problem than corporate governance.

What, therefore, are the concerns with governance and how did we as a committee address them? Some witnesses expressed concerns about the qualifications of individuals who sit on the boards of public sector plans. The committee found that pension boards, once established, have no clear-cut transfer and selection process to ensure that their members are experienced, knowledgeable and fit for fiduciary duties. Appointments can be affected by stakeholder groups such as governments, employers or unions. Hence, the selection process can be heavily influenced by agendas that lie outside the paradigm of good government and fiduciary duties. John Por testified that:

A good case could be made that a cycle of weak boards begetting weaker boards and even weaker executive staff may set in due to the nature of the defined benefit plans...

What this means in the case of public sector pension plans is that taxpayers may be called upon to rectify the errors made by weak boards. The committee was quite concerned about this possibility.

Simply stated, the committee believes that it is very important to have those who sit on boards of any financial institution, and in the specific context of public sector pension plans, be comfortable in dealing with complicated financial issues. Boards have a duty to stakeholders to ensure that a significant number of their members have the necessary scope, experience, knowledge and, essentially, the time to oversee the complex operations involved in running a pension plan. Those operations can include investment management, information systems, administration communications and risk management. All of these things require a high degree of skill and knowledge.

Honourable senators, transparency, the requirement for public disclosure and potential embarrassment will probably lead to greater changes in governance methods and structures than any other requirement.

I believe what we have done in the Banking Committee with institutional investors is a very good beginning, but it is only a beginning. As institutional investors grow in size and influence, we should revisit our recommendations to determine if they have been adopted and if they have been effective

Hon. Nicholas W. Taylor: Honourable senators, may I ask the honourable senator a question?

Senator Oliver: Certainly.

Senator Taylor: I am interested in the honourable senator's observations on large institutions or corporate investors, whether they be mutual companies or investment companies or pension funds. I quite agree that they wield a huge influence on a corporation, having had a few public companies myself. If you could get a pension fund investing it was sort of like moving in with the landlady's daughter. That is to say, you had it made for a while.

They were not on the board of directors because they were not in management and they are steering clear of governance. Under our exchange and security laws, which vary from province to province, they were not considered insiders, although I consider them to be very much insiders. For example, if I had an institutional investor who had a big slug of shares call me, I would sing like a canary. It was awful hard not to try to release that information or give out a clue that the general shareholders did not get. I often wondered at the time why they were not forced to register as insiders.

Was that solution considered, namely, that if you are an institutional investor and have a certain amount of money, you would have to register as an insider, regardless of whether you argued that you were not, in the governance of the company?

Senator Oliver: That is an excellent question. That is something that many of the witnesses who came before us raised.

The big issue is that, as in the case of Noranda, two very large institutional investors said, "We do not like some of the things that you are proposing. We will vote against them if you bring them forward to your meeting."

Another thing that we found happening was quite frightening. As a matter of routine, a number of these large funds, say, with \$40, \$50 or \$60 billion, by appointment, would arrange to meet the CEO and the senior vice-president of a company of which they might have 7 or 9 per cent. They would say, "We would like to have a meeting." At the meeting they say, "We have five or six concerns. Here they are." The company would then turn around and say, "In order to address your concerns, here are some of the things we have planned." The information that they would be getting would be insider information. This huge institutional investor could then go back and make some very strategic investment decisions that you or I, as individual, private, retail investors, would not know about and would have no knowledge about.

This is my biggest concern because I think that the institutional investors who party to those meetings are in fact insiders, and they should have to disclose as much before they buy more or sell more and affect my interest as, say, a very small minority shareholder.

Senator Taylor: I like that.

The Hon. the Speaker: If no other honourable senator wishes to speak, this item will be considered debated.

Senator Oliver: Honourable senators, Senator Meighen would like to speak on this tomorrow. With leave, I adjourn this debate in the name of Senator Meighen.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

On motion of Senator Oliver, for Senator Meighen, debate adjourned.

• (1730)

REVIEW OF NUCLEAR WEAPONS POLICIES

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Lavoie-Roux:

That the Senate recommend that the Government of Canada urge NATO to begin a review of its nuclear weapons policies at the Summit Meeting of NATO on April 23 to 25, 1999.—(*Honourable Senator Roche*).

Hon. Douglas Roche: Honourable senators, I shall be brief in presenting this motion as it is very narrowly focused. This motion seeks only to have the Senate recommend that the Government of Canada urge NATO to begin a review of its nuclear weapons policies at the summit meeting of NATO on April 23 to 25, 1999. Honourable senators will notice that the motion does not predetermine or prejudge what the review would come up with, nor does it offer any specific steps. It merely says that there should be a review launched by NATO of its nuclear weapons policies.

At the NATO summit, three important documents will be presented. The documents are, first, a new strategic concept; second a communiqué that would present NATO's policy agenda; and, third, a vision statement on NATO's future purpose and mission.

This great alliance, I dare say the greatest military alliance in the history of the world, now about to celebrate its fiftieth anniversary, does so at a time when new challenges are being presented. The last review of NATO's nuclear policies took place in 1992. To put a fact or two on the record, honourable senators, there are presently 180 nuclear weapons in Europe; they are owned by the United States. In addition to those deployed in the United Kingdom, they are deployed in six NATO, non-nuclear weapon states, namely: Belgium, Germany, Greece, Italy, the Netherlands and Turkey.

The previous review made clear that the nuclear planning group of NATO, to which Canada has consistently made a great contribution over the years, encompasses guidelines for nuclear planning and the selective use of nuclear weapons and major nuclear response. Countries that are affected have a special role to play in effecting the determination of what NATO's ongoing policies should be. Thus it is perfectly appropriate for Canada, as an important member of NATO, to press for this review. It would be absurd to say that the review could be conducted in a two-day period while the summit is proceeding. That is not the intent of the motion.

The intent of the motion is that, at the time of the summit, a determination would be taken by the leaders at the summit to instigate a review that would go on for perhaps many months. Who knows for how long it would go on?

Honourable senators, this motion is timely because the Government of Canada is presently seized of this issue. It is my understanding that the cabinet will meet this week in order to make a determination that will set down Canadian policy that the Prime Minister will take to the NATO summit. In their determination, the government must consider that several events have taken place since the last NATO review on nuclear weapons in 1992. Specifically, the non-proliferation treaty was indefinitely extended in 1995, calling for negotiations to take place that would lead to the eventual elimination of nuclear weapons. Another major development was the advisory opinion offered by the International Court of Justice stating also that the provisions of the non-proliferation treaty, namely Article VI calling for negotiations, should be upheld.

Also, leading generals and admirals from around the world have come out with an important statement questioning the value of nuclear weapons. Thus, without any determination being made beforehand, it is necessary, in my view, for NATO to undertake this review.

A week or so ago, we were visited by four prominent U.S. experts in nuclear disarmament who argued before a joint meeting of the Senate and the House committees on foreign policy that indeed this NATO move should take place. Robert McNamara, the former U.S. defence secretary, said that in recent years there has been a dramatic change in the thinking of leading western security experts, both military and civilian, regarding military utility of nuclear weapons, and that, increasingly, experts are turning against them. He was accompanied by General George Lee Butler, the former head of strategic command in the United States, who reminded us that upon receiving confirmation of an impending nuclear attack, the U.S. President would have 12 minutes to decide what to do. He said that the fate of humanity must not hang on such a slender thread. He also said that the world had escaped a nuclear holocaust during the Cold War by divine intervention and luck.

Thus, with the former head of the arms control unit of the State Department and a representative of the Rockefeller Foundation, the four U.S. experts argued before the committee that steps should be taken to diminish the political value of nuclear weapons.

It is the consensus in political circles, certainly in NATO, that nuclear weapons have lost their military value. No one is arguing that they be kept for military purposes. However, they are arguing that they have a political value. Thus, in NATO's new strategic concept, there should be an element of that concept that would specifically deal with nuclear weapons. That is the point at issue.

I would conclude by saying that the number of U.S. nuclear weapons deployed in Europe has fallen to the lowest number ever. However, they are determined to keep them unless there is a substantive review done that would point the way to a nuclear weapons-free NATO in the future. This is the point that needs to be considered.

NATO does acknowledge, as I have said, that these weapons no longer play a primarily military role. The alliance now faces a major choice: Will European-deployed U.S. nuclear weapons assume new roles and missions such as offensive counter-proliferation operations, or will these weapons be removed in the interest of renewed emphasis on nuclear arms control? This is a very sharp issue. I believe that it must be faced. The decline in nuclear weapons numbers and their military value in the European security context have left European NATO nations sceptical about their future role.

There is so much that can be said on this subject. However, because the motion is narrowly focused and only asks that the Government of Canada urge NATO to commence a review of its nuclear weapons policies, I would suggest that this is a reasonable position to take.

• (1740)

I repeat, honourable senators, that there is a certain timeliness to this motion, inasmuch as the cabinet will be seized of this issue in the immediate future, defined as this week. It is good for the Senate to make a determination to speak and to give advice to the Government of Canada that, in our considered view, we would be taking a reasonable and responsible position by the government, the people, the Parliament and the Senate of Canada to move forward on this issue.

Hon. Jeremiah S. Grafstein: Honourable senators, the promise of this resolution, on the surface, at least commends itself. Why not yet another review of NATO's nuclear weapons policy, especially after the recent expansion of NATO to encompass Poland, Hungary and Czechoslovakia, even over the legitimate strategic objections of Russia? Why not a deeper study of NATO in the 21st century, celebrating as we do, as we were reminded by Senator Roche, its fiftieth anniversary shortly?

Honourable senators will recall that the creative prescription for NATO expansion formulated right after the Soviet Union and the Warsaw Pact collapsed in 1989 was discarded by NATO. That prescription envisaged a renewed NATO remaining intact at its core while entering into a series of bilateral "Partnerships for Peace" to allow each emerging democratic Eastern European state to move discretely, each at their own pace, without alarming

or threatening Russia or others. Instead of drawing a new line in the sand, new divisions on the ground, the "Partnerships for Peace" could have creatively absorbed each European state engrossed in democratic development. Each state could participate in a variegated way under a different strategic umbrella, leaving NATO still intact to move against threats, without causing new divisions or weakening NATO, all proceeding at a studied, digestible pace, rather than triggering another renewed conventional arms race or provoking Russia to halt its nuclear arms reductions talks at START II.

"Partnerships for Peace" envisaged a renovation of conventional arms consistent with each state's economic capacity. The NATO expansion would have reversed the result, so said General Butler. General Butler, the former head of the Strategic Nuclear Planning Group in the United States Pentagon, gave evidence in Ottawa two weeks ago that NATO expansion may have been the most disastrous strategic decision taken since World War II. Still, this rush to expansion led by the United States and Germany is now a fait accompli.

Where do we go from here? Honourable senators will forgive us if some of us in the Senate are sceptical of yet further review of NATO and sceptical of decisions taken on the fly in the other place without a careful and deliberate strategic overview of Canadian and NATO objectives and capacity.

Some proponents of this resolution may have different objectives in mind than I do. Some would encourage NATO, like some of our colleagues in the other place, to unilaterally dismantle strategic nuclear weapons, to de-alert nuclear weapons and abandon the notion of "first strike" in defence strategy, without a fulsome comprehensive examination of the new global risks we face.

The author of MAD — mutual assured destruction — and a new convert to "moralism," Secretary Robert MacNamara and his like-thinking colleagues General Butler and Ambassador Graham, all nuclear specialists, encourage members of NATO and Canadian parliamentarians to do so. This resolution is in aid and anticipation of a cabinet debate to take place on the question of a NATO review this week.

I was reluctant to encourage this resolution without a strategic overview of these questions by the Senate. This we may be able to do with last week's reference to the Standing Senate Committee on Foreign Affairs to review NATO. In a way, this resolution places the cart before the horse. Yet we must move, Senator Roche tells us, before cabinet deliberates. What kind of debate can this be, then?

Honourable senators, my comfort lies in the fact that a NATO review will evoke a debate not only in Canada, but also in the United States, Britain, Germany and France, and of course Russia, all of whom have different if not divergent views on the role of NATO in the 21st century. Where should we in the Senate inform the government about NATO? Hopefully, our recommendations will not fall again on deaf or, worse, disinterested ears. In a nutshell, where should Canada stand? We

are urged by Secretary MacNamara and General Butler to take a "moral" stand on nuclear issues.

After the 1962 Cuban missile crisis, Robert Kennedy asked this question:

What, if any, circumstances or justification gives...any government the moral right to bring its people and possibly all people under the shadow of nuclear destruction?

This raises the basic question of foreign policy. Should states be measured and calibrated by principles of individual morality? Indeed, is the notion of morality the same between nations as between individuals?

Reinhold Niebuhr, a friend of our colleague Senator Stewart, speculated on the confusion of moral categories over half a century ago in his book entitled *Moral Man in Immoral Society*. From the viewpoint of the individual, he wrote that "unselfishness must remain the criteria of highest morality." Yet Niebuhr himself went on to explain that states cannot be sacrificial. Governments do not have the luxury afforded to individuals. Of necessity, they are agents, rather than principals. They act as trustees, as fiduciaries for the happiness and interest of others. Niebuhr quoted Hugh Cecil's argument. Cecil's proposition was this: "Unselfishness" is an inappropriate reaction of a state. No one has the right to be unselfish at other people's interest."

The duty of self-preservation conflicts with the individual duty of sacrifice. Hence, as Arthur Schlesinger pointed out in his chapter "National Interest and Moral Absolutes" in his book entitled *Cycles of American History*, this dichotomy makes it impossible to measure the action of states by clearly individualistic morality. He went on to quote Winston Churchill, who said that "the Sermon on the Mount is the last word in Christian ethics." Still, it is not on those terms that ministers of the Crown assume the responsibility of guiding states. Therefore, honourable senators, while saints can be pure, statesman must be responsible.

Yet by only appealing to narrow self-interests, the state risks loss of its persuasive power with its own citizenry. In general, principles and values must not converge too acutely from national interests. Unfortunately, national interests turn out, too often, to be subjective, ambiguous and susceptible to almost too great flexibility. Confusion rather than clarity results. National interests, in short, cannot totally displace international morality.

As J.P. Taylor wrote, "a democratic foreign policy has got to be idealistic; or at the very least, it has to be justified in terms of great general principles." Observers argue that morality lies best within the content a nation deploys and invests in its idea of national interest.

Many have argued that international policy must be at least a flickering mirror of one's morality at home. We must be good at home before we can preach goodness abroad. Of course, certain international questions of morality are so clear-cut — for example, slavery, genocide, torture and atrocities — that they

catapult and transcend over a state's narrow national interests. These threaten to destroy the fabric of humanity, which brings us to the question of nuclear strategy and the threat of nuclear arms in war.

If the 1930s taught us anything, it was that the unilateral renunciation of weapons is a snare and an illusion. We cannot be moral in an amoral world without deterrents.

The key issue is deterrence. The key analysis is predicting risk so that the deterrence melts the risk. Notions of deterrence, the threat of overwhelming reaction, acts as a preservative of peace. This we found recently, to our surprise, amongst observers in India and Pakistan after their surprise nuclear testing. Commentators on both sides have now said that the mutual transparent nuclear arsenals may afford an opportunity for a fragile peace to be forged between those warring nations.

As to new risks, Russian Prime Minister Yevgeny Primakov, who happens to be visiting Washington today, reacted to NATO expansion by promoting Russia, China and India as a new strategic triangle to counterbalance the fear of U.S. growing hegemony in Europe and elsewhere. China, which has the largest standing armed forces in the world, is quickly growing a deeper inventory of long and intermediate-range missile technology, including lightweight nuclear warheads allegedly stolen from the U.S.

A recent book, *America's Achilles' Heel: Nuclear, Biological and Chemical Terrorism and Covert Attack*, by Richard Falkenrath and others, said the following:

• (1750)

Nuclear weapons are within the reach of tens of states, with the most significant constraint being the ability to produce plutonium or highly enriched uranium. If this obstacle were avoided through the theft or purchase of fissile material, almost any state with a reasonable technical and industrial infrastructure could fabricate a crude nuclear weapon...

as could —

some exceptionally capable nonstate actors.

To deal with preparedness and the Russian instability in 1996, the U.S. Senate introduced an excellent proposal called the Defence Against Weapons of Mass Destruction Act, a proposal which seeks to lower the probability of nuclear terrorism and to control fissile material by helping Russians control these and other unstable remnants of their massive nuclear weapons programs.

These are critical questions requiring analysis and critical studies. These are new, complex and runaway risks.

When are such weapons justifiably deployed? When the security of a state can be put critically at risk, can justification be

found in acting beyond the current vogue of theoretical notions of the rule of law? The theory of the "just war" was legitimized in Christian doctrine by that great moralist and philosopher, St. Augustine: *Salus populi, suprema lex est*, he proclaimed. In the journals of Thomas Merton entitled *Go Run To The Mountain*, written 1939-1941, we find:

If you justify wars of defence, if you justify wars that are supposed to bring "peace as quickly and effectively as possible" then you have to accept the most drastic and beastly and horrible and disgusting and cruel weapons and tactics imaginable because they are all necessary for defence.

Still the rule of law morality in international affairs remains a vital if not elusive goal. Therefore, it is incumbent on any review of NATO, that we place the rule of law at the heart of that policy. Chaos arises when we allow each state to act as a law unto itself in world affairs. Hence, in any review, we must gather a policy which describes and ascribes our national interests rooted in the rule of international law.

This begs yet another fundamental question. In order for our legitimate interests and values to be recognized, we must also recognize that other nations are entitled to a recognition of their legitimate interests and values as well.

Last Thursday, however, the NATO commanders were authorized to bomb the recalcitrant Republic of Yugoslavia. NATO legitimacy may be at risk as we speak. This threat of NATO bombing is in aid of a "peace plan" that calls for NATO forces to be deployed within Yugoslavian borders. The UN has not approved this bombing attack, unlike Bosnia where the UN sanctioned that bombing action. Yet Canada has joined this international armada in the air and on the ground. Where does the rule of law start or end here today and in Yugoslavia?

One hundred years ago, honourable senators, the first international conference on rules of warfare in the modern era, was held in The Hague, in 1899. This conference was meant to adopt more humane conditions, even within the horrors of war, for the treatment of prisoners and civil populations. Unfortunately, the atrocities that led to that 1899 conference in The Hague continue a hundred years later in Croatia, Bosnia, Kosovo and elsewhere around the world and before our eyes in vivid colour, live on TV. The western road from Plato to NATO has been a rocky road. Perhaps it is by a winding, rocky road that still requires the highest skills of insight and diplomacy and vigilance and navigation.

Hence, honourable senators, it is with some hesitation and with great diffidence that I support this resolution, inspired by our colleague Senator Roche. Our collegiality should not be confused with consensus.

Hon. Mira Spivak: Honourable senators, I move the adjournment of the debate.

[Translation]

Hon. Marcel Prud'homme: All the senators could reach an agreement. The Senate could decide on something. I hesitated a great deal about speaking on this motion. I examined this subject in the External Affairs and National Defence Committee. As it happens, one of the eminent members of that committee was Mr. Roche, then a member of Parliament and now Senator Roche. Another very active senator, who was also on that same committee while an MP, was Mr. Forrestall. If we cannot reach a decision before six o'clock, we are going to adjourn the motion. As Senator Roche has said, the cabinet of the Government of Canada, our collective government, will have to address this matter in the very near future. The meeting is to take place in April. I am going to take a calculated risk.

[English]

It is a calculated risk. I will not read my speech in favour of this motion. I will urge all senators to join in the appeal made by Senator Grafstein on this issue — at least he seems to be in agreement. I ask for support of this resolution before six o'clock. I see that our agenda is heavy. We have not gone through much of it today. It seems there is agreement. If I do not see many more senators getting up to speak, then I will be upset because I will not have time to deliver the speech that I have prepared. I take the chance.

I support this motion. Let us not get excited; it is only a motion. That does not mean we want to transform NATO. We do not want to completely transform NATO. It is only a step in the right direction but not greater than the wording of the resolution. If we read it again, I would hope that honourable senators would unanimously accept this resolution. I support the motion and I will not go further.

The Hon. The Speaker: Honourable senators, is it your pleasure to adopt the motion of Senator Spivak for adjournment of the debate?

Hon. Senators: Agreed.

Senator Prud'homme: On division.

On motion of Senator Spivak debate adjourned, on division.

[Translation]

The Hon. the Speaker: There is nothing on the Orders of the Day at the present time. Senator Carstairs' item has been deferred.

Senator Prud'homme: Honourable senators, according to the *Rules of the Senate*, adjournment is at six o'clock. Senator Carstairs suggests an extension of the debate. This motion is debatable. I do not wish to think that not a word can be said about it. An item on the Orders of the Day has been called.

The Hon. the Speaker: No, that is not so. At six o'clock, I have no choice. According to the rules, I rise and announce that

I am vacating the chair, returning at eight o'clock, barring unanimous consent. It is now six o'clock.

[English]

• (1800)

I ask the question, honourable senators: Is there unanimous agreement that I not see the clock?

Hon. Senators: Agreed.

NATIONAL DEFENCE

DEBATE RESPECTING POSTING OF TROOPS OUTSIDE CANADA—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Forrestall calling the attention of the Senate to the matter of public debate respecting the posting of CAF members to Kosovo.—(*Honourable Senator Carstairs*)

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, given the events that are unfolding in that part of the world, events which may very well involve members of the Canadian Armed Forces being placed in harm's way, it is timely that we give some thought to this matter this evening.

Honourable senators, Canadian involvement with its NATO allies in the conflict taking place in Kosovo demands that Canadians bring forward not just military contributions but, more important, some creative ideas and policies which could facilitate peace in the Balkans. The Government of Canada should be using every means available to it, including its seat on the United Nations Security Council, to propose a new remedy for creative political therapy which would ameliorate the conflict between the Serbs and the Kosovar Albanians and provide a healthy prognosis for lasting democracy and peace in that part of the world.

Canada should propose a new strategy, given that, under older approaches, the political goals of the Serbs and the objectives of the Kosovar Albanians are inherently mutually exclusive. The Serbs invoked the principle of territorial integrity of its state. The Kosovar Albanians rely on the principle of self-determination of peoples, including the claim to secession.

Under the traditional paradigm, we find the Kosovar Albanians aspiring to achieve full political and economic independence. Serbian authorities seek to enforce constitutional and political centralization. In the current political situation, the Kosovar Albanians have little interest in cooperating with Serbian authorities because, they argue, they cannot achieve their full autonomy under Serbian control. The Kosovars worry that the international community might not sustain its support of Kosovar autonomy if the Kosovars were cooperating with the Serb government.

On the other hand, the armed intervention by NATO against the Serbs gives encouragement to the Kosovars seeking secession, which of course undermines any desire to cooperate with the Serbs. Under this same traditional paradigm, the Serbs find themselves in the same position. If they do not defend their territorial integrity, even in the face of an international military action, they fear that the international community would interpret this as an internal dissolution of their state.

In other words, under the old analysis, each participant in the Kosovo crisis expects support: Kosovar Albanians seek international support for the principle of self-determination and the Serb authority seeks support for the principle of non-intervention in internal affairs of the state and respect for the territorial integrity of the state. Given that neither participant in this crisis can predict which principle the international community will embrace, this, in and of itself, contributes to the further mistrust between the Kosovars and the Serbs.

Honourable senators, a new paradigm would dissociate the principle of self-determination of peoples and the principle of territorial integrity of the state. A new paradigm would postulate neither of those two principles as fundamental but, rather, would postulate as a first principle the protection and promotion of human rights. The struggle for self-determination on the part of the Kosovar Albanians and the struggle for territorial integrity on the part of the Serbs must be subordinated to the protection and promotion of human rights. Under this new approach, there is a new, creative, legal relationship between the principles whereby the international community would assess the policies and the actions of each participant in the conflict in terms of their respect for human rights.

Pursuant to this kind of a paradigm, it would allow for autonomy of the Kosovar Albanians if the Serbian central government failed to respect human rights, peace and development. Similarly, the Kosovar Albanians seeking self-determination must not use force and must not violate human rights, otherwise the international community would support the action of the central government and the territorial integrity of Serbia and Yugoslavia against the Kosovar desire to secede.

With such an approach, the evolution of human rights produces a competition between the parties to the conflict to perform much better. The idea is to move the parties from a territorial question to a question of internal democratization and human rights. If the Serb authority wants to preserve the territorial integrity of its state, it would develop appropriate programs for the promotion and protection of human rights, peace and democratization. This would encourage the Kosovar Albanians, who are seeking self-determination to initiate and to improve their human rights, peace and development performance in the aim of achieving autonomy.

The Canadian government should give serious consideration to sponsoring a resolution at the United Nations Security Council seeking the restoration of the constitutional position of Kosovo in

accordance with the 1974 Yugoslav constitution. A Canadian-sponsored UN Security Council resolution should allow Kosovar Albanians to restore their local autonomy with a provincial type of legislature, government and local police. Such a resolution would underscore the human rights objective and would also make Kosovar Albanians responsible for the promotion and protection of human rights and peace in Kosovo.

Should the Serbes and the Yugoslav authorities not accept such a Canadian-sponsored resolution, and not restore the constitutional and political position of Kosovo, then the Security Council should call on the international community to recognize Kosovo as an independent state.

• (1810)

Faced with a determined stand by the Security Council of the United Nations, built on a new first principle, namely the principle of human rights, the Serbian authorities would choose internal decentralization to maintain their territorial integrity.

Honourable senators, movement in this direction of internal, constitutional and political decentralization is key to a solution of the Kosovo crisis. By decentralization, the international community would be opening the door for internal democratization and the promotion of human rights.

The present situation requires creative leadership from countries such as Canada. By providing this leadership at the Security Council, calling for the restoration of the constitutional and political position of Kosovo in accordance with the Yugoslav Constitution of 1974, the international community could respond by lifting, for example, the sanctions and thereby facilitate the reintegration of Yugoslavia within the family of nations.

Canada should encourage the Kosovar Albanians to propose to the central Yugoslav and Serb government the provincial legislature model as a means to protect and promote human rights, that being the objective. The Serbian authorities need to be encouraged, on the other hand, to find a model which ensures the greatest protection and promotion of human rights within the confines of the territory. Through this exchange, Canada would be moving the debate away from a territorial question to a question of development, human rights, and peace for all.

With a change to the paradigm, the international community can encourage a change in the older mindset of international law which had and has the inevitable result to this day of maintaining conflict. With this new approach, the international community could achieve a reduction of the inherent conflict between the Serbs and Kosovar Albanians.

The human rights objective must become the first principle of international law. It must replace the two conflicting principles of international law, the principle of territorial integrity versus self-determination. This would make the current struggle less irreconcilable.

On motion of Senator Carstairs, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I understand that the Standing Senate Committee on Foreign Affairs has been waiting for some time with some witnesses to begin its hearing. Would it be agreeable that the Foreign Affairs Committee be allowed to sit even though the Senate is now sitting?

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

NUCLEAR WEAPONS

RESPONSE OF GOVERNMENT TO REQUESTS AND
RECOMMENDATIONS—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Roche calling the attention of the Senate to the urgency of the Government of Canada saying “no” to becoming involved in a U.S. missile-defence system; and the need for the Government of Canada to contribute to peace by implementing the 15 recommendations in the report of the Standing Committee on Foreign Affairs and International Trade, *Canada and the Nuclear Challenge. Reducing the Political Value of Nuclear Weapons for the Twenty-first Century*.—(Honourable Senator Prud’homme, P.C.)

[Translation]

Hon. Marcel Prud’homme: Honourable senators, I rise to advise you that I might earlier have opposed unanimous consent not to see the clock, and the house would have adjourned.

[English]

I am advising again that someday some of us will stop the work of the Senate. It seems that people do not seem to understand the rules. Earlier, I let it go. This time, I can speak. My speech is ready. However, I will move the adjournment again under my name to show cooperation after five years. Where you have motions pertaining to independent senators, they will most likely die on the Order Paper now, the way it is going.

The Hon. the Speaker: It is moved by Senator Prud’homme, seconded by Senator Carstairs, that further debate be stood in the name of Senator Prud’homme.

Honourable senators, let me make it clear that, having spoken a few words, the debate has begun in the name of Senator

Prud’homme. Therefore, another senator cannot enter debate as we normally do with an adjournment. He has begun the debate, and he will continue the debate. Is it agreed, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Prud’homme, debate adjourned.

SUDAN

INQUIRY

Hon. Lois M. Wilson rose pursuant to notice of March 16, 1999:

That she will call the attention of the Senate to the situation in Sudan.

She said: Honourable senators, I want to bring to your attention the situation of Sudan, which country has been mired in a protracted civil war since gaining independence in 1956. More civilians have died in this war than in Kosovo, Bosnia and Rwanda combined, yet the international community has not given attention commensurate with the enormity of human suffering. Is it because of aid and conflict fatigue by the international community? Is it because it is an African country? Because the world is not yet fully aware of the rich deposits of oil and copper that lie in southern Sudan? The average Canadian might not be too clear just where Sudan is, yet some of the worst abuses of human rights in the world are occurring in Sudan now — human slavery, forced starvation, rape, displacement of persons, and arbitrary imprisonment.

Renewed conflict began in 1983 when the president declared his intent to Islamize Sudan through the introduction of the Sharia law. The situation was further complicated after a coup d’État in 1989 brought to power the National Islamic Front, NIF, which embarked on a policy of Islamization and Arabization that seeks to impose by force the government’s ideological orientation. “Genocide” and “ethnic cleansing” are words used by credible international organizations in describing what is going on in Sudan. All ethnic languages, for example, are to be replaced by Arabic, all religions by Islam. Some observers are afraid to speak of Islamization for fear of being accused of being offensive to Islam. The government also seeks to export its ideology as, for example, when the regime was implicated in attempts to assassinate President Mubarak of Egypt and President Isaias of Eritrea.

The war is too frequently described as Muslim against Christian, Arab against African, or northerner against southerner. The reality is much more ambiguous. There are Christians and Muslims on both sides. There are Arabs and Africans on both sides. Armed resistance to what is seen as northern economic, religious, and political domination has been directed by the Southern People’s Liberation Army, SPLA, and more recently, the Sudan Alliance Forces, SAF. A strategic alliance between the northern opposition parties and the SPLA and SAF under the National Democratic Alliance has strengthened opposition to the

government. This is also a regional conflict — Eritrea, Ethiopia and Uganda have all considered themselves to be victims of Khartoum-launched aggression. Finally, Egypt has a major stake with respect to the Nile and the sharing of water resources.

The human toll is horrendous but largely unknown. The civil war has already claimed 1.5 million lives, according to Oxfam UK. Others put the death toll much higher. More than 1.9 million southern Sudanese and Nuba mountain people have perished since the war began in 1983. The overwhelming majority of the casualties are not rebels but civilians who do not share the regime's radical Islamic ideology.

The 1998 famine affected an estimated 2.6 million people, prompting the greatest United Nations relief effort in history. Famine and starvation are being used as strategic tools of war. Corridors for the delivery of humanitarian aid are continually being cut off.

More than half the population of southern Sudan has been forced to flee their homes and join the 2 million displaced people living in squatter areas of Khartoum. The secondary effects are predictable: poverty, malnutrition, and lack of access to clean water which increases people's vulnerability to disease. The Nile water quota of Sudan may need to be split between the north and south with regional implications as the battle over Sudan is partly about water.

There has been a total collapse of the educational system and a likelihood of a lost generation of Sudanese who have received little opportunity for education. Illiteracy in the south is estimated at 90 per cent among women, 80 per cent among men, and 40 per cent among northerners.

The lack of freedom of movement has disrupted normal patterns of agriculture and food production, thus ensuring continuing famine. Rather than spending time in cultivation of crops, women and men spend their time with guns, protecting their families.

• (1820)

Since 1993, the United Nations Special Rapporteur on Sudan has issued five reports to the UN Commission on Human Rights and two reports to the UN General Assembly, documenting substantive evidence of human rights abuses, including indiscriminate bombing of civilian populations, forced removals, disappearances and torture. The reports indicated that the bulk of the abuses were committed by the Government of Sudan. The rapporteur finally resigned in frustration.

The international community's primary intervention has been the provision of humanitarian and relief aid rather than political will to mediate a peaceful solution. Humanitarian aid, the largest in the history of the UN, cost \$1 million per day and donor countries are now experiencing donor fatigue. How long are they willing to keep this up? Corridors for food are regularly blocked, especially for African tribes living in the northern Sudan and the

Nuba Mountains, where fighting for self-determination parallels the SPLA in the south.

In 1992, Khartoum blockaded the Nuba mountains, refusing access to the UN Operation Lifeline Sudan, OLS. Khartoum has begun an offensive to cut the Nuba's lifeline and throttle the rebellion against Islamization. Many Nuba are Muslims and the government fears that their rebellion could set an example to other marginalized areas of the north. Food is being used as tool of war.

Canada's involvement focuses on humanitarian aid, the violations of human rights, support for the IGAD peace process and concern about stability in the region. The only thing that can really alleviate the suffering of Sudanese people is to end the war. To that end, I was privileged to attend an international meeting in Norway on March 10, 1999, chaired jointly by Norway and Italy, in which the IGAD Partners Forum put some plans in place towards extending the present humanitarian cease fire that ends on April 15, with an effective monitoring mechanism in order to create a more constructive atmosphere for negotiations between the two parties. Despite the existing ceasefire, aerial bombardment continues, according to a current report from the World Council of Churches. If an extended ceasefire could be introduced in conjunction with the specified period of intensified negotiations, a comprehensive peace plan might well be developed.

The concern was voiced that the current flow of humanitarian aid from the donor communities to Sudan would be difficult to maintain without an accelerated and strengthened political process towards peace. Under the umbrella of the Intergovernmental Authority on Development, IGAD, the consultation built on the framework for a peaceful solution to the war in Sudan enunciated in the 1994 Declaration of Principles, to which both the Government of Sudan and the SPLA subscribe, states: that a military solution cannot bring lasting peace and stability to the country; that a just solution must be the common objectives of the parties; that the people of the south have the right to self-determination and the recognition in August, 1998, that this right to self-determination be defined by the borders existing on January 1, 1956; that Sudan's multi-racial ethnic culture and religious nature must be recognized; that freedom of religion and religious practice must be guaranteed; and that the human rights and independence of the judiciary must be embodied in the Constitution. The question is one of implementation.

At the Oslo meeting, there was agreement to seize the perceived window of opportunity that presented itself at this time as the government has declared itself willing for the south to secede. This is, however, tempered by the intransigence of the government in its dealings with the Nuba mountain people. The meeting, including Canada, encouraged the appointment of a special envoy by Kenya IGAD chair for the Sudan peace process, to mount a concentrated and continuous mediation effort over the next few months. There would be support from a small dedicated technical support staff. Hopefully functional by May 1, 1999, the

secretariat will engage in full-time mediation efforts in the belief that until a ceasefire is negotiated, other issues cannot be addressed. Participant countries at the Oslo meeting agreed to support this initiative financially. Time is of the essence.

Additionally, the Partners Forum expressed their readiness to support different measures to promote a peaceful settlement such as reconstruction, demobilization, repatriation of refugees, rehabilitation of children affected by conflict, socioeconomic assessments, especially as they relate to vulnerable groups, and the rebuilding of civil society. It was agreed to set up a working group that coordinated international incentives for peace and planned for support of the implementation process of the peace agreement.

A number of issues exercise Canada. One is the necessity of widening the peace process through a parallel and complementary process to include a much broader representation of civil society, both south and north. A second one is the need to rebuild trust between the warring parties. The mediator must consider confidence building measures. Finding ways to rehabilitate children affected by the war in areas of conflict could help build bridges among the parties and the people of Sudan.

Another important issue of increasing concern to Canada remains unsolved. It is that Canadian business presence is a reality in Sudan. Calgary-based Talisman Energy Incorporated is one of Canada's largest oil and gas exploration and production companies and trades on the New York and Toronto stock exchanges. It owns 25 per cent of the Great Nile Petroleum Operating Company, a consortium engaged in oil and pipeline developments in southern Sudan. The consortium's other partners are China, Malaysia and Sudapet, the state oil company of Sudan. Arakis Energy Corporation, now wholly owned by Talisman, disclosed that it had been pumping 10,000 barrels of oil per day since June, 1996, and expected an increased output by June of 1999, when the oil pipeline to Port Sudan is completed. There are serious allegations that the company may be sending the crude to a refinery that is a major regional military base for the Sudanese government and a staging point for military operations into the Nuba mountains and parts of southern Sudan, thus fuelling the civil war.

Canada's image is now of some concern. Do we really want Canadian companies operating next door to where slavery, according to UNICEF, is actively practised? Will the Government of Sudan allow the south to separate if this means the oil fields will belong to the south? How will the wealth be split, or will it? Is it a reality that 20,000 to 150,000 barrels per day will be pumped by June? What might the south do to interrupt the exploration as it perceives the pipeline to be fuelling the civil war? The oil starts flowing this June. Does that mean game over? If the Government of Sudan, with the involvement of Talisman, is able to export oil and generate revenues as projected by late 1999, the war could tip in favour of the government. Should this transpire, Talisman may be accused of having provided the Sudanese government the means for perpetuating the war with Canada's full complicity and support.

To test the authenticity of the Sudanese government's willingness for peace, might Canada press that government to provide immediate, regular, humanitarian aid to the rebel-controlled areas of the Nuba mountains? Furthermore, might Canada insist that Talisman establish talks not only with the SRRA, the development wing of the southern opposition, but also with the political leadership of the opposition, the SPLA?

Hopefully, you will have concluded along with me that the situation in Sudan is complex and urgent, and that time is of the essence in putting a peace process into place.

On motion of Senator Prud'homme, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO STUDY CHANGING MANDATE OF NORTH ATLANTIC TREATY ORGANIZATION

Hon. John Lynch-Staunton (Leader of the Opposition),
pursuant to notice of March 18, 1999, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report upon the ramifications to Canada:

1. of the changed mandate of the North Atlantic Treaty Organization (NATO) and Canada's role in NATO since the demise of the Warsaw Pact, the end of the Cold War and the recent addition to membership in NATO of Hungary, Poland and the Czech Republic; and
2. of peacekeeping, with particular reference to Canada's ability to participate in it under the auspices of any international body of which Canada is a member.

That the Committee hear, amongst others, the Minister of Foreign Affairs, Minister of National Defence and the Chief of Defence Staff;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee have the power to permit coverage by electronic media of its public proceedings; and

That the Committee submit its final report no later than October 29, 1999.

• (1830)

He said: Honourable senators, from its beginnings 50 years ago as a defensive alliance to counteract the threat of the Soviet Union, which was making no secret of its designs around the world, including of use of military force to advance these designs as it found necessary, NATO has evolved drastically as the political situation in both Europe and Asia has changed.

The events that triggered the changes in NATO are extraordinary — the fall of the Berlin Wall in November 1989, the unification of Germany in October 1990, the collapse of the Soviet Union in December 1991, with consequent changes elsewhere in Central and Eastern Europe.

The Cold War which led to the creation of NATO is over; yet, NATO continues. At meetings in London in 1990 and in Rome a year later, the alliance began to transform itself to meet these changing political conditions. It redefined itself in terms of East-West partnership rather than of confrontation.

Reaching out to the East, NATO created the North Atlantic Cooperation Council — which includes all NATO members, former Warsaw Pact countries and the successor states of the Soviet Union — as a forum for security cooperation. It has concluded "Partnership in Peace" agreements with 30 countries, including Russia, to provide joint planning, training and exercises in peacekeeping and peacemaking.

Recently, as has been mentioned, Hungary, Poland and the Czech Republic have been admitted to full membership, and Canada supports enlarging NATO further by adding Romania and Slovenia.

However, the most fundamental change came in 1995 when NATO assumed military peacekeeping responsibilities at the head of the multinational Implementation and Stabilization Force deployment in Bosnia. That clearly lies outside the normal areas of NATO responsibility as defined in 1949. It also gave the alliance the potential to extend its focus beyond regional, national territorial defence and perhaps be at the core of a new Eurasian security system.

We are now in a position where NATO, having redefined its role, is about to take an active military role in what is a civil war in Yugoslavia. This is how Canada's ambassador to NATO, David Wright, described the situation in Kosovo only a month or so ago. He said:

A government waging war against its own citizens under the guise of fighting terrorism. A government which some would say has — by its actions — forfeited its legitimacy and any claim it might have on the principles of sovereignty and non-interference.

For months, NATO, which is dominated by the United States, has been threatening bombing raids if no agreement on the Kosovo crisis is reached and the sending in of some 28,000 troops to enforce whatever agreements the Serbs and Kosovars may come to. As we all know, there is no agreement, and bombing attacks become more probable by the hour. Should they take place, NATO will, in fact, have confirmed that it is taking sides — contrary to what Ambassador Wright claims — in what international law considers a civil war, where a rebellious force is challenging the legitimate authority of a governing state.

This statement is not to condone the heinous activities of the Serbs in Kosovo, nor is it to deny whatever legitimate aspirations

Kosovars claim history supports them on. It is rather to raise a very basic and pertinent question: Is it Canada's understanding that NATO's new military responsibilities include attacks on a government with which it is in violent disagreement?

There are those who would point to Bosnia where NATO bombing attacks took place, forcing the Serbs into accepting the Dayton Agreement, which now sees some 30,000 NATO troops enforcing that agreement more or less successfully. The motion before us should have been brought before this house at the time, no doubt, but at that time an accord had been reached. This time, history may not repeat itself. In any event, clarification over NATO policy is needed, and certainly an understanding of Canada's participation in, and support of, it is essential.

Honourable senators, Canada's contribution to peacekeeping has been exemplary, inspired, as it has always been, by Lester Pearson's significant solution to the Suez crisis in 1956. However, the "peacekeeping" that Mr. Pearson initiated is a misused term today. We are a long way from Suez, Cyprus and the Golan Heights. Many question commitments to the Gulf, to Somalia, and now to Kosovo. These are not peacekeeping efforts; they are not peacemaking efforts; they are participation in a war.

A public debate on Canada's role in this new and more dangerous environment is long overdue, and its ability to meet it fully and responsibly has yet to be demonstrated. As NATO prepares to celebrate 50 years of the alliance, what could be more appropriate than for Canada to examine in depth the alliance's new strategic directions and our role in them? Such is the purpose of this motion — to review the changing nature of the NATO alliance and what Canada can or cannot contribute to it in terms of resources, human and material.

Honourable colleagues, I have no doubt that with its expertise, the Standing Senate Committee on Foreign Affairs is more than able to address the issue and bring recommendations of benefit to all Canadians.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, Senator Stewart, who was the original seconder of this motion — I became his proxy a few minutes ago — indicated to me before he left the chamber his strong support for this resolution and his desire for the Foreign Affairs Committee to undertake the study that Senator Lynch-Staunton has recommended to the Senate. Unless other senators wish to speak on this motion, I suggest we bring it to a speedy vote.

[Translation]

Hon. Marcel Prud'homme: I would like to put a question to Senator Lynch-Staunton. The Foreign Affairs Committee, chaired by Senator Stewart, decided to seek the opinion of the house in order to consider two questions: the International Monetary Fund — without my support, but I did not vote — and Canada's relations with Russia and the Ukraine.

[English]

I am not opposed to this motion, but we are piling up many issues for the committee to study. Which issues should have priority? I am very sympathetic to this issue. I have my doubts with respect to enlarging NATO.

The Hon. the Speaker: Honourable senators, is leave granted for the Honourable Senator Lynch-Staunton to reply? With Senator Carstairs having risen and spoken, the only questions that can be addressed, under our rules, are to Senator Carstairs.

Is leave granted for the Honourable Senator Lynch-Staunton to reply?

Hon. Senators: Agreed.

[Translation]

Senator Lynch-Staunton: Honourable senators, Senator Prud'homme may rest assured that I consulted Senator Stewart before introducing my motion.

[English]

In return, he has assured me that, while this adds an additional burden to an already heavy committee schedule over the next few months, he finds and his committee has found that this could become a priority item. He is able to reschedule the committee's other projects accordingly so that, in time, hopefully before he leaves us, this matter will be completed and the other two will be well on their way. He believes that he will find the time, the energy and the resources of his committee to deal with all three issues.

Hon. J. Michael Forrestall: Were you intending to take the adjournment, Senator Carstairs?

Senator Carstairs: No.

Senator Forrestall: Might I have a few words, then? I properly advised colleagues that the authority to strike has now passed from the body politic to the military. A state of emergency has now been raised in the former Yugoslavia, and strikes are expected. Hence, honourable senators, we are at war, and we have not even discussed this problem.

● (1840)

I wish to lend my support to Senator Lynch-Staunton's motion. Honourable senators, we are talking about peacekeeping, but we are not in a peacekeeping mode in this case. We are in a peacemaking situation with military intervention in what is a defensive military alliance.

This issue, to my knowledge, has not been thoroughly studied anywhere. It has not been discussed in the other place, nor here in the Senate.

These are important questions with respect to the implications of this new NATO policy course and our ability to implement the Kosovo operation. In my opinion, we have an opportunity to take

a timely and very critical look. We have among us many experienced people in these fields, such as Senator Rompkey, Senator Kenny, Senator Andreychuk on foreign affairs, and my leader, Senator Lynch-Staunton, who has expressed interest in this field for a number of years.

My concern, honourable senators, rests on our military capabilities and the glaring gaps in the implementation of the 1994 white paper. That white paper arose out of a joint parliamentary committee report on Canada's defence. Both were well-respected documents and still are, not only by parliamentarians but by professional military and the academic community. There are gaps, though, in our capabilities which I believe must be addressed, preferably before action in Yugoslavia commences — which it now has.

Yugoslavia has a large and generally well-armed military with modern fighters like the MIG-29, excellent surface-to-air missiles such as the mobile SA-6, and T-72 main battle tanks. It is clear that NATO, and Canada, will face casualties. For this reason and many others, honourable senators on both sides of the house want a committee to study national security matters, manned by senators who are dedicated to the defence of Canada.

Honourable senators, gaps in the implementation of the 1994 white paper may hamper our operational readiness to undertake a variety of military operations, including our operations in NATO. I believe that it must be part of the Standing Senate Committee on Foreign Affairs study, especially if we are to become heavily involved in that divided nation.

The present government defined its defence policy with the 1994 *Defence White Paper* which committed Canada to the maintenance of a modern combat-capable land, sea and air force to deal with operations across the spectrum of international combat. In terms of implementing our national security objectives, the government directed the Canadian forces to provide a joint task force headquarters and one or more of the following: a naval task group of four major surface combatants, one support ship and maritime air support; three separate battle groups or a brigade group; a fighter wing; and a transport squadron, for a grand total of 10,000 personnel who could be deployed abroad from our current Canadian resources at any one time. This was done by a regular standing force of some 60,000. It is interesting at this point that when we crunched the numbers, to sustain that many people in the field we felt would take a minimum of 66,700 men and women.

In terms of the navy, the government stated that there was an "urgent need" for new maritime helicopters to replace ageing Sea Kings before the end of the decade. The white paper also promised to examine the option to buy the Upholder class submarines. Lastly, the government said it would consider replacing our old operational support vessels.

Canada's army was promised three adequately equipped brigade groups and some 3,000 more soldiers in three light infantry battalions. The white paper called for new armoured personnel carriers to replace the obsolete M-113 fleet. There was also a discussion, in very loose terms, of a future replacement of direct-fire support vehicles.

The air force was promised an upgrade of its CF-18 fighter aircraft fleet and new search and rescue helicopters. The government also stated its intention to reduce Canada's fighter fleet by 25 per cent, but the remaining fighters would receive new precision-guided munitions for close-ground support.

In the end, though, as always, the *1994 Defence White Paper* was very big on promises and very slow on implementation. Canada's navy has yet to see a new maritime helicopter. As everyone knows, it takes some three years, once ordered, to get the first one. It will be at least three more years before the last of the new helicopters would arrive. Now the aging Sea King has an availability rate of only 30 to 40 per cent and its missions fail about 50 per cent of the time. This unreliable helicopter seriously hampers NATO fleet operations and maritime peacekeeping operations. There has been little discussion of the proposed multi-role support vessels, and a lack of strategic sea-lift means that the army we do have is largely landlocked here on this continent.

On the other hand, the government should be applauded for its purchase of the Upholder class submarines. Additionally, the army has started to receive its new armoured personnel carriers in the form of the LAV-25s. Soon we will have enough to provide reasonably good armoured reconnaissance squadrons to supply a couple of regiments. As well, three light infantry battalions of about 3,000 soldiers have been created.

Sadly, there is no mention of a new main battle tank to replace the obsolete Leopard. I do not know for sure whether we really need one or not, but there is no talk of replacing it. Unfortunately, the army at this point in time, without main battle tanks, is not capable of shock action, nor is it capable of defence. However, to address this weakness, the government has, to its credit, examined the purchase of a direct-fire vehicle that may bridge the tank gap, and that might work well with an army rapid reaction force.

Additionally, the recently released Conference of Defence Association's "Strategic Assessment" questions Canada's army organization and our ability to sustain our Bosnian forces at our current personnel levels. As well, the minister has said that we would be "stretched to the limit" to come up with another 800 for Kosovo to add to the 2,000 abroad now. Maybe our army should be restructured with these operations in mind. Perhaps we should have a high-tech brigade for NATO, a general purpose brigade group that can step in to support the high-tech group and a light infantry or rapid-reaction group. Maybe our reservists could take on more of a role in settling quieter commitments here at home, relieving the permanent force. Perhaps an action like that would go a long way to resolving our rotation and retraining problems.

I believe these capability gaps and organizational concerns should be examined by the Standing Senate Committee on Foreign Affairs.

We should remember as we go forward that the Nazi armies tried to pacify Yugoslavia in 1941 and, for the next four years,

failed. When they left that country, they were bloodied and bowed. They left in defeat. Those who do not sufficiently understand the past are bound to repeat it. Thus, I support this timely motion.

I would hope that the committee can get on with it before anything like prorogation comes into play. The committee should find an early way to continue its work should prorogation intervene and we find ourselves without a Parliament; there is precedent for that. More important, there is will. I trust there would be will to find such a vehicle to sustain its operation in the event that we are not here in a formal sense.

Senator Prud'homme: Honourable senators, I have a question for my old friend from the House of Commons Committee on Foreign Affairs and National Defence. In the old days, for many years I felt that we should have only one committee on foreign affairs and national defence so that members could be exposed to each others' ideas. The security-minded people would then be exposed to the problems relating to international affairs, foreign affairs and CIDA.

• (1850)

In the Senate we have a Foreign Affairs Committee. Is my friend, who is a long-time expert in the area of national defence, of the opinion that the time may have come either to return to the old practice of having a Foreign Affairs and a National Defence Committee or to have, as we have now under the chairmanship of Senator Stewart, a Foreign Affairs Committee and a separate committee on national defence?

Senator Forrestall: Honourable senators, as Senator Prud'homme knows, we tried it both ways in the other place. The division of efforts and responsibilities was found to be wanting. The ideal is when there are good, active oversight committees on both defence and external affairs which work jointly. That can happen without too much interference.

Another option would be to have a separate and independent committee which would follow National Defence issues. I am a supporter of that position since I think it would have more chance of getting through.

In the final analysis to ask an external affairs committee to review National Defence policy is not the right way to go. By its very nature, it does not contain the people who have long-term interests in either defence or foreign affairs. Foreign affairs is so much broader while defence is so much narrower in terms of concept.

Yes, I wish we had our own committee. However, I am very happy with Senator Stewart. Some of the names I mentioned, and Senator Prud'homme is one, knows that we did weather that storm for a while.

Hon. Nicholas W. Taylor: Honourable senators, because events are moving along so fast in Kosovo and the former Yugoslavia, I have decided to speak on this matter.

Senator Kinsella has put forward some good ideas, as has Senator Forrestall. I make my intervention today to see what effect we in Canada could have on the UN not to make a military intervention.

During the 1960s, I spent about six years working in the former Yugoslavia and down through the hills of Kosovo. I was helping to establish a geological survey for Marshal Tito. I first met him in 1960 and he retained me a couple of years later.

Marshal Tito was a Croat who led the communist movement in Yugoslavia backed by Russia. The right wing movement, which was based mostly in Croatia, tried to take over the country. Tito won out. As a Croat with Serb backing he was able to keep the republics of Montenegro, Macedonia, Croatia, Serbia and Slovenia together. Slovenia had most of the money.

Having spent quite a bit of time going through the hills of Kosovo and on through the south in setting up the geological survey, I would back Senator Forrestall's notion that the German army found it impossible to occupy Yugoslavia. The idea of any military force on the ground going anywhere there is almost nil. From a military point of view, it is probably some of the worst country you can imagine in the world.

As Senator Kinsella mentioned, at that time Joseph Stalin's only outlet in Europe was Albania. Marshal Tito was considered a revisionist. The Albanians were heavily oppressive of their people and Tito was quite receptive to Albanians fleeing across the border into Kosovo. That moved the Albanian population from 50 per cent up to the present 80 per cent or 90 per cent of today. Tito's helping Albanian refugees flee the hard communism of the Stalinist era has, in part, created this problem.

I do not know what we can do as senators or as individual Canadians. However, I think the wrong move is to attack. It did not work with Saddam Hussein, and I did a lot of work in Iran, too.

When you attack a leader of a country, all you do is cement his or her hold on the people. The idea that you can bomb people into throwing out their leaders is foolish. If you are going to go in, then you must to conquer, and that country is impossible to conquer.

Senator Kinsella's breakdown of events today was as good as I have ever heard. It should be published in every press in the country.

Our own government, our foreign minister and others should think carefully about a policy that has done nothing but cement Saddam Hussein into his spot. I would like to see Senator Kinsella's speech written and broadcast all across Canada. If bombs are dropped, we can be sure that innocent people will suffer. It will be the innocent civilians who will become angry enough to keep in place the dictatorship and the type of system that we all want to get rid of.

The Hon. the Speaker: If no other honourable senator wishes to speak, I will proceed with the motion.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

INTERNATIONAL POSITION IN COMMUNICATIONS

TRANSPORT AND COMMUNICATIONS COMMITTEE
AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. Lise Bacon, for Senator Forrestall, pursuant to notice of motion given on Thursday, March 18, 1999, moved:

That notwithstanding the Order of the Senate adopted on December 1, 1998, the Standing Senate Committee on Transport and Communications, which was authorized to examine and report upon Canada's international competitive position in communications generally, including a review of the economic, social and cultural importance of communications for Canada; be empowered to table its final report no later than May 30, 1999, and

That the committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

She said: Honourable senators, we had planned on tabling the report on our study on Canada's international competitive position in communications on April 9. I have been informed by the chair of the committee that they have now reached the final phase of the drafting of the report. It is possible that the tabling of the report will take place a little later than April 9. We wanted to give enough time to the Subcommittee on Communications to draft its final report and to submit it.

[English]

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I should like to ask a question of the chair of the committee. Is it anticipated that this extension will be costly? In other words, will this committee need a large budget in order to complete its final work?

Senator Bacon: No.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Wednesday, March 24, 1999, at 1:30 p.m.

CONTENTS

Tuesday, March 23, 1999

	PAGE		PAGE
Visitors in the Gallery		Newfoundland and Labrador	
The Hon. the Speaker	2854	Fiftieth Anniversary of Confederation—Notice of Inquiry.	
		Senator Cochrane	2859
SENATORS' STATEMENTS			
The Year of Canadian Francophonie		QUESTION PERIOD	
Senator Gauthier	2854	National Defence	
Canadian Intercollegiate Athletic Union		Commemoration of Founding of Halifax—Possible Resurrection of	
Basketball Championships 1999		Halifax Rifles Regiment—Government Position.	
Congratulations to Saint Mary's University Huskies		Senator Forrestall	2859
on Winning. Senator Moore	2854	Senator Graham	2859
Human Rights		Restructuring of Reserve Units in Atlantic Canada—Possible	
International Day for the Elimination of Racial Discrimination.		Closure of Reserve Brigade Headquarters and Demise of Infantry	
Senator Cohen	2854	Battalions—Government Position. Senator Forrestall	2859
Quebec		Senator Graham	2859
Senator Bacon	2855	Prime Minister's Office	
Judge James Igloliorte		Congratulations on Appointment of Minister for the Homeless—	
First Inuit Provincial Judge of Newfoundland and Labrador—		Request for Particulars. Senator Cohen	2859
Congratulations on High Achievement Award.		Senator Graham	2859
Senator Rompkey	2856	Senator Kinsella	2859
Human Rights		Senator LeBreton	2859
International Day for the Elimination of Racial Discrimination.		Treasury Board	
Senator Stratton	2856	Employment Equity in the Senate—Government Position.	
Senator DeWare	2856	Senator Di Nino	2860
		Senator Graham	2860
Visitors in the Gallery		Senator Rompkey	2860
The Hon. the Speaker	2857	Delayed Answers to Oral Questions	
		Senator Carstairs	2860
ROUTINE PROCEEDINGS		Human Resources Development	
Internal Economy, Budgets and Administration		Millennium Scholarship Foundation—Appointment to Board of	
Thirty-Second Report of Committee Presented.		Grand Chief of Assembly of First Nations—Request for Particulars	
Senator Rompkey	2857	on Salary Arrangements.	
Federal-Provincial Fiscal Arrangements Act (Bill C-65)		Question by Senator Cochrane.	
Bill to Amend—Report of Committee. Senator Stratton	2857	Senator Carstairs (Delayed Answer)	2860
Business of the Senate		Natural Resources	
Legal and Constitutional Affairs Committee and Social Affairs.		Storage of Nuclear Fuel Waste on Remote Northern Sites—	
Science and Technology Committee Authorized to Meet		Discussions with Assembly of First Nations—Government Position.	
During Sitting of Senate. Senator Carstairs	2858	Question by Senator Johnson.	
Adjournment. Senator Carstairs	2858	Senator Carstairs (Delayed Answer)	2861
Senator Kinsella	2858	Employment Insurance Fund	
Canadian NATO Parliamentary Association		Accumulation of Surplus in Fund—Adequacy of Budget	
Joint Meeting of Parliamentary Assembly, Defence and Security.		Reductions in Premiums.	
Economic and Political Committees—Report of Canadian		Question by Senator Oliver.	
Delegation Tabled. Senator Rompkey	2858	Senator Carstairs (Delayed Answer)	2861
		Answer to Order Paper Question Tabled	
		National Defence—New Armouries in Shawinigan.	
		Senator Carstairs	2862

	PAGE		PAGE
Private Bill (Bill S-20)		Senator Taylor	2876
Roman Catholic Episcopal Corporation of Mackenzie—		Senator Whelan	2877
Message from Commons. The Hon. the Speaker	2862	Senator Spivak	2879
War Veterans Allowance Act		Senator Di Nino	2881
Pension Act		State of Financial System	
Merchant Navy Veteran and Civilian War-Related Benefits Act		Consideration of Interim Report of Banking, Trade and	
Department of Veterans Affairs Act		Commerce Committee on Study—Debate Continued.	
Veterans Review and Appeal Board Act		Senator Oliver	2881
Halifax Relief Commission Pension Continuation Act (Bill C-61)		Senator Taylor	2885
Bill to Amend—Report of Committee. Senator Murray	2862	Review of Nuclear Weapons Policies	
Pages Exchange Program with House of Commons		Motion—Debate Continued. Senator Roche	2885
The Hon. the Speaker	2862	Senator Grafstein	2886
		Senator Spivak	2888
		Senator Prud'homme	2889
ORDERS OF THE DAY		National Defence	
Canada Customs and Revenue Agency Bill (Bill C-43)		Debate Respecting Posting of Troops Outside Canada—	
Third Reading—Debate Adjourned. Senator Carstairs	2862	Inquiry—Debate Continued. Senator Kinsella	2889
Senator Kinsella	2864	Foreign Affairs	
Foreign Publishers Advertising Services Bill (Bill C-55)		Committee Authorized to Meet During Sitting of the Senate.	
Second Reading—Debate Continued. Senator Lynch-Staunton ..	2865	Senator Carstairs	2891
Appropriation Bill No. 5, 1998-99 (Bill C-73)		Nuclear Weapons	
Second Reading. Senator Cools	2867	Response of Government to Requests and Recommendations—	
Senator Stratton	2868	Inquiry—Debate Continued. Senator Prud'homme	2891
Appropriation Bill No. 1, 1999-2000 (Bill C-74)		Sudan	
Second Reading—Debate Adjourned. Senator Cools	2869	Inquiry. Senator Wilson	2891
First Nations Land Management Bill (Bill C-49)		Foreign Affairs	
Second Reading—Debate Continued. Senator Ghitter	2870	Committee Authorized to Study Changing Mandate of	
Senator Taylor	2873	North Atlantic Treaty Organization.	
Private Bill (Bill S-25)		Senator Lynch-Staunton	2893
Certified General Accountants' Association of Canada—		Senator Carstairs	2894
Second Reading. Senator Kirby	2874	Senator Prud'homme	2894
Senator Di Nino	2875	Senator Forrestall	2895
Referred to Committee.	2875	Senator Taylor	2896
Recombinant Bovine Growth Hormone		International Position in Communications	
Consideration of Interim Report of Agriculture and Forestry		Transport and Communications Committee Authorized to	
Committee on Study of Effect on Human and Animal Health—		Extend Date of Final Report. Senator Bacon	2897
Debate Adjourned. Senator Gustafson	2875	Senator Carstairs	2897



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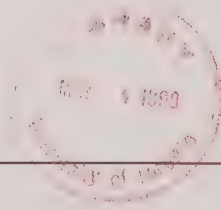
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OFFICIAL REPORT
(HANSARD)

Wednesday, March 24, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, March 24, 1999

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

THE HONOURABLE ORVILLE H. PHILLIPS

TRIBUTES ON RETIREMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, February 1963 began as another normal month for the Diefenbaker government. The defence minister had resigned over the Prime Minister's ambivalence on defence policy, the cabinet was sharply divided, the caucus was in turmoil, a leading member of the Ontario organizing committee had resigned in disagreement with Mr. Diefenbaker, whose own leadership was being widely questioned, although it had been reconfirmed only a month before at a party convention.

The opposition parties were smelling blood, as each spent hours assessing its chances at a spring election which would ensue should they join together to defeat the government on a vote-of-confidence motion. National attention was riveted on Ottawa as it has seldom done since. Hundreds were refused access to the galleries, which filled nearly every day.

Throughout all this, the Prime Minister exhibited unusual stoicism and equanimity. As a dark political cloud which had been brooding over him for some time was about ready to burst open at any moment, he attended to the nation's business as best he could, including seeking out qualified Canadians available to fill important positions.

Thus it was on February 5, 1963, that Dr. Orville H. Phillips, aged 39, Progressive Conservative member for Prince Edward Island, was summoned to the Senate. A few hours later, the government fell. I do not suggest any cause and effect here but, oh, if only history could repeat itself today!

Honourable senators, after serving in Parliament for over 40 years, 33 of them in the Senate, Orville prepares to leave it, and with his leaving becomes the last, and by far amongst the most distinguished Diefenbaker appointees to do so.

•(1340)

He joined the Royal Canadian Air Force at the age of 18, in 1942, and served with distinction and bravery in one of its most arduous and demanding units, Bomber Command. A dentist by profession, he was first elected to the House of Commons in 1957, re-elected twice, and then summoned to the Senate. His true profession has been that of politician, which he has exercised with unusual adroitness and skill, much to the tangle and lasting benefits of his beloved province of Prince Edward Island.

His many years here have been marked by significant contributions to the many committees on which he served, and his knowledge, experience and commitment have benefited them all, none more than the ones concerned with veterans' affairs: *The Kid Who Couldn't Miss*, *The Valour and the Horror*, the War Museum — whatever the issue, if it touched on veterans, particularly their place in history, Orville was always there with his support and understanding.

Just recently, with Senator Archibald Johnstone, he travelled across the country visiting veterans' health care centres. Their report, "Raising the Bar: Creating a New Standard in Veterans Health Care," will certainly result in additional improvements in care and services available to veterans, many of those previously in place as a result of Orville's persistence.

What better example of his concern for veterans than what happened while he was at Deer Lodge Centre in Winnipeg last November: He insisted on tasting every item on the menu, following complaints about the food prepared from a centralized kitchen. Undercooked vegetables, floury-tasting celery soup, an egg salad sandwich of which he could only eat half, shepherd's pie, which he pronounced as not tasting like shepherd's pie — Senator Phillips tasted them and more. His verdict? "I used to gripe about the food in the air force, but when I look back, it really wasn't that bad, and it was institutional food. But it was an awful lot better than this." Do not be surprised if, after this gourmet's assessment, Deer Lodge is soon catered by the local Maxim's.

I should like to end on a more personal note. In September 1990, 24 of us were sworn in as senators, herded to our seats, and given strict instructions to say and do nothing without the permission of Attila II, also known as Orville Phillips, the Conservative whip. For nearly three months we were enslaved to him, completely at his beck and call — and what a beck and what a call! We became like robots, as he controlled our every movement through pressed lips, from which growled instructions reduced us to mush. He even equipped us with pagettes so that our every movement could be traced at the flick of a switch. After a while, some of us began to crack, and our offices became group counselling centres — that is, the few of us who had an office, as the care and comfort of his new serfs were the least of Orville's concerns.

Finally, a delegation was sent to meet the Prime Minister so that he could be made aware of the abysmal conduct of his whip in the Senate. Mr. Mulroney listened with great attention, asked many questions and took copious notes. Horror stories were related, one after the other, in every awful detail. As the beaten faithful were leaving his office, the Prime Minister shook hands with each one and said, "Thanks for coming, guys. I am delighted to hear that Orville is doing such a great job."

Looking back, even we, the huddled masses of that time, must agree that, as in everything else, he did a great job; a job which will end today with the passage of Bill C-61.

Orville, I am delighted to tell you that not only are you forgiven, but you can come back to caucus now!

Honourable senators, no member of any legislative body can be successful without family support. On behalf of all my colleagues, past and present, I wish to recognize Orville's family for the support and encouragement they have given him over these many years. In the gallery are his wife, Marguerite, and their daughter, Patricia, with her husband, Gerald, and their two children, Nicolas and Sean. With them, too, are Orville's sister Flora and her daughter Elaine. Unfortunately, the Phillips's three other children, Brian, Robert and Betty, cannot be here. We thank you all for allowing the Parliament and Canada, and in particular Prince Edward Island, to have the benefit of Orville's many qualities which we will miss so very much.

Mr. Diefenbaker once said of himself: "They criticized me sometimes for being too much concerned with the average Canadian. I can't help that. I'm just one of them." And so are you, Orville, which is why your political career has been the success it has been. I wish you many happy years for an active and healthy retirement. You have certainly earned them.

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, as indicated by the eloquent testimony of the Leader of the Opposition, there are many wonderful stories to be told about Senator Orville Phillips. In his decades of service to his country and province, he has amassed an understanding of this place like few others. The Senate's last "lifer," as some observers affectionately call him, Senator Phillips has witnessed the growth and the evolution of modern Canada in a way that very few others have known.

One of seven dentists at the time of his 1957 electoral victory, which was referred to by the Leader of the Opposition, a victory which he achieved on the beautiful island of his birth, he has often enjoyed recounting the story about dentists in politics — individuals who spent their private careers telling people to open their mouths and their public careers telling people to shut them.

Honourable senators will be aware that although for many years Senator Phillips found politics and dentistry rather compatible professions, he never had any difficulty crossing over from his admonitions to those seated in the dentist chair, to the remonstrances he has so often, so plentifully, so colourfully and so forcefully, delivered to those across the aisle in either chamber, and perhaps, on occasion, particularly when he served as his party's whip, to his own colleagues on the same side of the aisle.

I think all of us in the Senate have understood the passion, the hard work and the tough determination that Orville has put into his work on behalf of Canadian veterans. His devotion in giving voice to the veterans' community in this country has truly been his finest hour, in my judgment. His commitment as Chairman of the Subcommittee on Veterans Affairs has meant something

profoundly significant in this country. It has meant that the story of all those who spent their youth with war as their companion — the story of those who sacrificed so much for the generations to come — has been better told. That story has been better told — lest we forget.

As a veteran of World War II, a navigator and bomber who was part of the RCAF raids over Germany, Senator Phillips was part of one of the greatest national war efforts of all time. At the time, Canada had a population of only 11 million, but by 1945 we had built up the third largest navy and the fourth largest air force amongst the allied forces. We had six divisions in our army. In that six-year conflict, over 1 million Canadians enlisted in the Armed Forces. There were 46,000 who gave their lives, 13,000 of those from the Royal Canadian Air Force.

Prince Edward Island, so central to the founding of our federation, was also renowned for having the highest per capita enlistment of any place in Canada during World War II, along with the highest casualty rate. Senator Phillips was part of that remarkable Island contribution to freedom. We must remember the motto of this proud and distinguished RCAF, *per ardua ad astra*, through travail to the stars. The 5,000 Canadian airmen who won individual decorations for gallantry fought under that motto. It is that motto, that gallantry and the service of those who fought at sea, on the land and in the air, all those who kept the faith; it is that service that Orville fought so hard to preserve and honour.

• (1350)

It is small wonder that he has denounced the distortions of so many who have not understood the price that freedom entails. It is small wonder that he has worked so hard to house that memory in a new Canadian War Museum, which will be a house of honour. It is small wonder that he has spent his finest hours in reminding Canadians of the words of one of our great historians, that a nation that repudiates or distorts its past runs the grave danger of forfeiting its future.

Senator Phillips, you have given much to your country, your province, and most particularly to the veterans of Canada's wars. You have reminded us about the lessons that so many of those who died for their country would have told us, had they lived. You have reminded us about the price of democracy and freedom, the spirit of commitment and tolerance which Canada will always have. You have taught us lessons about courage, and the power of the human heart, and about those who never surrendered.

For those reminders and the timeless hours spent in outstanding and distinguished public service over the decades, we thank you. We thank you for taking on one of the most important causes in our national life, for working so hard to keep the faith, lest we, through some awful tragedy caused by misunderstanding, ignorance or simple neglect, forget.

Thank you, Orville, for being Orville. Sometimes crusty, but always genuinely yourself: fiercely loyal, but constantly engaging. You have been a true credit to the Senate of Canada.

Hon. Lowell Murray: Honourable senators, it has been said of Senator Phillips that he has as many friends on the other side of the chamber as he has on this side. I think that is probably true. I went down the list; I counted four, although two of them are no longer with us.

I think many of us will recall the odd-couple partnership between Senator Phillips and our late friend Senator Petten when they were the whips of their respective parties. Together, they pretty well ran the Senate, without reference to anyone else. I think it is true that often they trusted each other more than they trusted their respective leaders or colleagues.

Then there was also the strong bond between Senator Phillips, the dental surgeon from Summerside and Senator Lorne Bonnell, the physician from Murray River. I was never certain whether the synergies that these two Islanders apparently found in each other's company were professional, provincial, political or, more likely, just recreational. In any case, they certainly seemed to enjoy each other's company as few others did.

More recently, Senator Johnstone came to the Senate from Prince Edward Island and resumed an association that I believe goes back 60 years to the days when Senator Phillips and Senator Johnstone were in school together on the Island.

The most intriguing political alliance of all has been that between Senator Phillips and Senator Cools. I do not know whether it would be accurate to describe Senator Cools as a free spirit. I think it would be fair to say — and I have heard it said on the other side — that not all of her parliamentary initiatives have been fully cleared with the caucus — not the Liberal caucus, anyway. That is where Senator Phillips comes in. When other colleagues avert their eyes during Senator Cools' speeches, or shift uncomfortably in their seats, or find urgent business in the reading room, Senator Phillips has been here. He has supported and encouraged her. Some would say he has incited her in her more daring endeavours.

Unfortunately, Senator Cools has not always reciprocated. How many times have I sat here with Senator Phillips, with the division bells ringing for a vote, and I have turned to Senator Phillips and said, "Orville," — since we became seatmates, he allows me to call him Orville — "Do you think there will be any defections on the other side?" and Senator Phillips has said, "Watch Senator Cools." We sit there, brimming with anticipation, my own excitement almost as intense as his, as the Clerk goes down the Liberal benches, only to find that when her name is called, notwithstanding her great admiration for Senator Phillips, he has been foiled again by the Liberal whip.

This bittersweet, unrequited political suit has been one of the great disappointments of Senator Phillips' last years in the Senate. A lesser man would be absolutely crestfallen. I will not say that Senator Phillips is the last of the true romantics in the Senate — that would be unfair to Senator Lynch-Staunton — but he is one of the most persistent.

Before I sit down, I wish to say that Senator Phillips will leave this place with a sense of achievement that most of us would

envy. When travelling to or from the Island on the Confederation Bridge, Senator Phillips can take some pride in the fact that he was its leading champion in Ottawa, and for a long time its only champion in Parliament. He sponsored the bill going through the Senate that made that achievement possible, and it turned out to be quite a successful achievement.

In his own town of Summerside, the GST Centre, employing 700 Islanders, and the Slemon Industrial Park are there to a great extent because of Senator Phillips' efforts. I was in the Mulroney government at the time and I know that Orville's contribution went beyond advocacy and well into facilitating and helping to negotiate and design the happy outcome of what had been a potentially devastating decision; namely, to close CFB Summerside.

•(1400)

It is a rather happy irony that, earlier in his political career, Senator Phillips managed to have Summerside designated as a permanent military establishment, so he clearly felt some serious personal responsibility when the decision was taken that it had to be closed.

During his 42 years in Parliament, he has helped countless individuals get the attention of the government and action by government departments on their problems. He fought for the economic and political interests of the Island. He understood quickly the impact of the UI reforms of several years ago on unemployed people on the Island and gave them a forum for their concerns.

Islanders do not wear their gratitude on their sleeves and, goodness knows, they do not always take it to the polls. However, on the Island, respect for Orville Phillips and for the calibre of representation he has given Islanders in both Houses of Parliament over 42 years crosses party lines and constituency boundaries. I would not say that he bestrides the Island like a colossus. It would be more homey to say that, like the Charlottetown *Guardian*, he covers the Island like the dew.

Reference has been made very eloquently by the leaders of the government and the opposition to Senator Phillips' relationship with and his representations on behalf of the veterans of the country. When Orville Phillips first came to Parliament Hill in 1957, a clear majority of the members of the Diefenbaker cabinet were, like him, war veterans. Into the 1960s there was a still solid contingent of veterans in the Pearson government. Even into the 1970s and 1980s, distinguished veterans like Barney Danson, Allan McKinnon and George Hees served in cabinet.

The last of the veterans have long since departed the House of Commons. With the retirement of Senator Phillips, there will be no more than three or four of them left in the Senate. As they leave, Parliament loses a direct link with a glorious chapter in the history of our country. Their conduct in politics and public affairs was marked by a sense of duty and loyalty to the greater causes they served — to their colleagues, to their political parties, to the institution of Parliament, and to the country for which, having fought for it, they must have a perspective and feeling unique to them.

They brought more than camaraderie or esprit de corps. They brought unselfishness. While they would scorn the description themselves, I believe that their contributions were as close to altruism as we are likely to see in this business.

Senator Phillips has exemplified all of these qualities. His colleagues, the Island, and the country have been enriched by his years of parliamentary service.

Hon. Senators: Hear, hear!

Hon. Archibald Hynd Johnstone: Honourable senators, what can I say about someone I have known for 58 years? I should like to say that Senator Phillips was never my dentist. I do not know why. I was just lucky, I guess.

However, I did know him when he entered Prince of Wales, when we both joined the Air Cadets, and when we went to summer camp together. When I awoke in the morning, he was in the bunk next to me. Imagine seeing that face first thing in the morning. However, his was a sunny face. He always had a big smile and he always had something encouraging to say.

In the 1947 Prince of Wales College year book we see that on April 5, 1924, in the ordinarily peaceful and quiet town of O'Leary, Prince Edward Island, rain showers and mayflowers were predicted — but they got Orville Howard Phillips. In the year book it says that for several years Orville Phillips remained at home, content with the life of a little boy, but that soon a restless feeling came over him and he made his first daily journey to Mount Royal School, a journey he repeated until 1941 when he came to Prince of Wales College.

Having finished his first year at Prince of Wales College, he went into training with the RCAF and, strangely, we both ended up in Bomber Command in Yorkshire, England. I was seconded to the Royal Air Force; Orville stayed with the RCAF.

I know what he has been telling you. He has been telling everyone who will listen that I could not qualify to stay in the RCAF so they sent me over to the poor RAF. I want to tell you the real story. The truth is that the Royal Air Force petitioned to have me. I understand that there was a second petition circulated in the Royal Air Force which read, "Leave Phillips where he is."

While speaking of the Air Force, I should like to assure Honourable Senator Atkins that neither Orville nor I originated the Royal Canadian Air Force tartan, but we would at some time like to tell you who did.

Senator Phillips disliked paying taxes, so he worked out a plan which will be quite advantageous to Senator Maloney and myself, who will never receive a pension from this place. When we leave here, we will be as poor as when we arrived, and probably more so.

Senators Phillips has suggested that if he shares his pension with us, he will be in a lower tax bracket, which will be advantageous to him, and will certainly be advantageous to us. I suggest that other senators follow his excellent example.

It has been a privilege to sit with Senator Phillips on the Senate Subcommittee on Veterans Affairs and to have participated in producing the recent report "Raising the Bar."

I wish to join with the large group of people who would like to wish health and long life to both Orville and Mrs. Phillips, as well as great golfing.

•(1410)

Hon. C. William Doody: Honourable senators, I rise today to reinforce many of the comments that I have heard addressed to Senator Phillips, and to congratulate him on the occasion of his all-too-early retirement from this place.

Many have spoken warmly and well of Senator Phillips' service and dedication in the House of Commons and of his wartime service for our country. We are all very familiar with his love for the Island and Islanders, and of his sense of duty toward this country of ours.

I got to know him in 1979 when I first came to Ottawa. We have become fairly well acquainted since that time. I have been entirely impressed with his zeal and dedication to the party, and to the Senate. I was particularly impressed during his years as Chief Party Whip, which has been referred to at some length by Senator Murray. In my capacity as Deputy Leader of the Government at that time, I was as close to him as anyone during that rather tumultuous period. I often thought, as I went home for a few hours' sleep during some of the endless harangues and terrible sessions that we were having, "My God, I think Orville is enjoying this." He never seemed to be the least bit dismayed or upset. He was completely calm and unfrazzled by any of it. He thought that we should dig in there and do what we thought was right, and do it properly. As I say, I got to admire him very much and came to like him quite a bit.

I particularly admired his taking up the cudgel on behalf of the veterans, a subject which Jack Marshall so reluctantly had to put aside. He, Senator Marshall and Senator Bonnell have done yeoman's service in that department. All three of them, and others, will be sorely missed, but their work was outstanding.

I will not say a great deal more. I think most of it has already been said. I know that I will miss Orville very much. I thank his family for lending him to us for as long as they did. I hope he has many happy years of retirement, good days and good golf. I also hope, just as sincerely, that his going does not mean that my supply of Malpeque oysters will be cut off from now on. I will make sure he has my address, no matter where he goes.

Thank you, Orville.

Hon. Anne C. Cools: Honourable senators, I rise to join senators on both sides of the house to pay tribute to our retiring friend, the Honourable Dr. Orville Phillips. Senator Phillips is a dentist by profession, a Prince Edward Islander by birth, and a veteran by providence. In addition, Senator Phillips has been a dear and loyal colleague, a dear friend to me and a very good senator. I must tell Senator Murray that I shall continue to keep him in suspense.

Honourable senators, in 1984, soon after I arrived in the Senate, I substituted on the Standing Senate Committee on Agriculture, Fisheries and Forestry chaired by our friend Senator Herbert Sparrow. At the time, this committee was studying soil and water conservation in Canada. Most senators will recall the committee's excellent and world renowned report, "Soil at Risk."

The committee travelled to Charlottetown, Prince Edward Island, in May of 1984. While in Charlottetown, the Island senators, led by Senator Phillips and Senator Lorne Bonnell, organized a suitable restaurant with the suitable lobsters to entertain the senators who had come to town. I must tell honourable senators that my dear friend the late Senator Jean Le Moynes had confessed to me a few hours before that he was looking forward to the fantastic lobster dinner that Senator Phillips had initiated. I shall never forget Senator Le Moynes's words to me. He said, "My dear Anne, let us go and feed." He meant to say "feast," but he said "feed." That became a private joke. In any event, it was quite a feast that the Islanders put on for us. Senator Le Moynes was quite right, it was a marvellous feed. He himself ate about eight lobsters.

In any event, I remember the evening very vividly. I remember the special honour that Senator Phillips and the Prince Edward Island senators felt in having a committee of the Senate and Senators Sparrow, Le Moynes, myself and others in Charlottetown. It is now a practice that has passed away among senators. I will remember that evening forever.

Honourable senators, as we know, Senator Phillips served in Bomber Command during World War II, and wears his battle scars to this day, as so many of our veterans do. As Senator Murray was saying, it was not too long ago that there were still many veterans serving in this chamber. However, Senator Phillips is one of the last.

I was especially privileged to work with him as Chairman of the Subcommittee on Veterans Affairs for the past several years following Senator Marshall's retirement. I was especially proud of Senator Phillips' efforts, as well as our efforts, on the Veterans Affairs Subcommittee during the examination of the issue of the War Museum and the Holocaust gallery. The committee report "Guarding History" speaks for itself. However, I speak for those of us on that subcommittee who experienced first-hand the commitment, drive and clarity of mind of Senator Orville Phillips, and the unique and special kind of moral courage that this particular man has possesses. I commend that.

We frequently hear on Remembrance Day two or three famous lines about the passage of veterans in battle. What I thought I should do today is put on the record those famous lines from Laurence Binyon's famous poem, *For The Fallen*.

I notice that Senator Phillips' wife, Marguerite, and his family are sitting in the gallery. Senator Phillips, on behalf of all of us who feel very warmly towards you, and to all your family, friends and supporters, I should like to say: I wish you all a very happy and healthy retirement.

I wish you, Senator Phillips, many more lobster "feeds" in Prince Edward Island with many other friends. I wish you all the

happiness that you could ever know. To you, Senator Phillips, in a very personal way, I thank you very much for your friendship and your support.

I should like to share one final thing with senators. As we know, very few people here really know anything about my background in Barbados. There was a particular occasion some years ago when Senator Phillips, Senator William Doody and myself went to Barbados to attend a CPA conference. I had a rare and wonderful occasion to show Senator Phillips and his wife around Barbados. The history of Barbados is very rich. It has the oldest 'great plantation' houses left in the New World. The history of plantation society is not widely known. However, I can tell you that it gave me very great pleasure to be connected to Senator Phillips and to his wife, and to be able to share a part of the world that means a lot to me, and which is a part of my personality. I thank them for that.

Having said all of that, I should like to read those famous lines from Laurence Binyon's poem, in honour of all veterans:

They shall not grow old, as we that are left grow old:
Age shall not weary them, nor the years condemn.
At the going down of the sun and in the morning
We will remember them.

Shalom, Senator Phillips. You are gone but not forgotten. You will be remembered.

•(1420)

Hon. Herbert O. Sparrow: Honourable senators, I should like to add my comments to the tributes. First of all, Orville, it took me a while but I now recognize they were talking about you.

I talked to Senator Phillips earlier this week about this special tribute today and he said, "I hope they will not do anything special for me, that there will be no special words. I just want to be treated the same as any other great man." I think that we recognize that, Orville, and the tributes, of course, have been very special this day.

I would be remiss, honourable senators, if I did not make reference to the Agriculture Committee's report, "Soil at Risk." Senator Cools already mentioned it. I just wish, after hearing all this today, that I had done a little more research and found out just how many committees Senator Phillips has worked on throughout the years, how many special committee reports he has been involved in, because they would be very numerous. I think I will still do that research, because I just know that no one in this chamber, either now or in prior times, will have spent so much time on so many committees and have his name appear in so many Senate reports as Senator Phillips. The report, "Soil at Risk," of which he was a very important part, indicated to me at the time, and still does, that Senator Phillips is capable of tackling any subject-matter, studying it and doing a marvellous job. Regardless of what part of the country it involved, he was always prepared to do his homework, thus ensuring that any report he was part of was valuable to all Canadians.

Orville and I have a number of things in common. Of course, we have both served in this chamber for over 30 years. I am glad to see you go, Orville, because it puts me in a better position, since I will replace you as Dean of the House.

One of my names is Orville, so we share that as well. When Senator Everett was here, he used to call both of us Orville because he knew we had often worked together. One of the greatest things that John Diefenbaker — who came from my province — ever did was to appoint Orville to the Senate, and that legacy has carried on for years. He gave Orville Phillips a life sentence, but I suppose because of the Young Offenders Act, Orville is now getting parole at age 75. Orville had to choose whether he would stay longer or to retire at age 75. He choose retirement at 75, and I know very well he could have made a much greater contribution if he had chosen to stay longer, but that was his choice.

We have something else in common. Dr. Keon operated on both of us. He looked after Orville's heart and he did the lobotomy on me! I suppose Dr. Keon is the greatest pain to the Reform Party and Lorne Nystrom, because he is seeing that the members of the Senate remain in place for a long time. Fortunately, his treatment has worked for both of us. As long as Dr. Keon is here, the Senate will last, I should think, forever.

As I said, we have both served for over 30 years in this chamber. I want to tell you today, Orville, how pleased I am to be able to look back over those years and the wonderful times we have had together and the work we have done on committees.

I thank you on behalf of all the people of the country, particularly those from my part, who know the name Orville Phillips very well.

Good luck to you. God bless you. I hope we will see you again soon.

[Translation]

Hon. Gérald-A. Beaudoin: Honourable senators, I met Orville Phillips when I came to the Senate in the fall of 1988. At that time, he was the whip of my party, which was in power, though in the minority in the Senate.

I must say that he did an excellent job of carrying out the duties of whip, which, as honourable senators are aware, deal with such things as Senate attendance, office allocation and travel.

Senator Phillips made a name for himself, among other things, for his very special sense of humour. He has given the Senate many years of most loyal service. As all the speakers before me have pointed out, he took part in many highly significant debates, and he has left his mark in a number of different areas, and on several committees.

It has also been pointed out, and justifiably so, that he made a considerable contribution as Chairman of the Subcommittee on Veterans Affairs. I wish him long life and the best of health. Our very best wishes go with him on his retirement.

[English]

Hon. Joyce Fairbairn: Honourable senators, I, too, should like to offer my words of appreciation today to Senator Phillips as he leaves this place to return to his beautiful Prince Edward Island.

He is, as we have all heard, a remarkable colleague, and he is a good friend of mine.

He is remarkable in the fact that he has been here on Parliament Hill for 42 years. I have been here for 37, and I thought that was a long time, but Senator Phillips has been here for 42 years. He has survived without any identifiable scars, although he might have left a few on other people here and there throughout those years.

He is remarkable in that he held the position of government whip for his Conservative caucus during seven lively years, including the most tumultuous debates in Senate history, those over the GST. Even at the time, in whispered tones, some of his colleagues told me he was tough as nails. That is not a side of Senator Phillips that I saw. I can remember, early in my years as a senator, when I repeatedly lobbied our beloved whip Bill Petten to have the person who worked with me a little closer by. I struck out time and time again. I shared that problem a bit, sadly, with Senator Phillips, who was and still is on the same floor as I am. Guess what happened, honourable senators. It was not too long before we were set up just perfectly together, so I had a great deal of respect for the whip of the Conservative caucus.

Senator Phillips is also remarkable in that he does not have to leave this place. He could stay here forever because he was appointed before that rule requiring retirement at 75 came into effect. However, as colleagues have said, he has made the decision to retire. I do not think it is because he has grown tired of this place but rather, I suspect, because he has a lot more living to do, and particularly wants to spend a good deal more time with his family.

In addition, honourable senators, Senator Phillips is remarkable because, in spite of his fierce and joyous partisanship in times of political battle, he also cheerfully seeks out association with those who do not always share his point of view. He has been a warm and generous friend of a true Grit like myself.

• (1430)

As has been noted, he began as a member of the House of Commons in 1957. He was appointed to the Senate in 1963 — just in the nick of time, Senator Phillips. Throughout all those years, he has been a strong force within the Progressive Conservative Party of Canada, and proud of it. So he should be. For those who constantly wonder what senators do for their paycheck, Orville Phillips has brought to this chamber and its committees years of dedicated advocacy and action on behalf of farmers, fishermen, and members of Canada's Armed Forces, particularly veterans, especially in his years as Chairman of the Subcommittee on Veterans Affairs.

Senator Phillips served with the 462nd Thunderbird Squadron of the Royal Canadian Air Force during World War II. He has never wavered in his compassion and his insight into the needs of the men and women who risked their lives for our peace and freedom.

I agree with Senator Murray that there is very little left of the institutional memory of that war within the Parliament of Canada. We have been fortunate in this chamber to have had people such as Senator Phillips and Senator Bonnell, and, others who have fought those battles again in a different way. It behoves all of us, as Senator Cools said, who have not suffered through that experience, to carry on the kind of work that has been set out so courageously by Senator Phillips and his colleagues. It is a fitting farewell that we in this house later plan to pass Bill C-61, which will bring in changes in benefits for veterans, including those who served in the Merchant Navy.

Finally, one of the things I have truly admired about Senator Phillips is the work that he has done back home in Prince Edward Island. He told this house two years ago that an important aspect of the public business senators perform is to be an active presence and participant in the events, the concerns, and the achievements of the citizens of their province. As Senator Phillips noted, he was asked to take part in countless activities in Prince Edward Island — not because he was Orville Phillips, but because he was Senator Orville Phillips and, on occasion, the importance of this function of representation justified his absence from the Senate.

Prince Edward Island has never been very far from his mind. In his maiden speech on June 3, 1963, he concluded by urging all colleagues to come to Charlottetown the following year for the historic opening of the Confederation Building. About two years ago he was urging us again, along with his other Island colleagues, to attend the opening of the magnificent Confederation Bridge linking P.E.I. and New Brunswick, the longest bridge over ice-covered waters anywhere in the world.

You have done a good job, an outstanding job, Orville, for this institution, for Prince Edward Island and for Canada. You leave today with pride, respect and affection, as well as the warmest wishes from all of us to you and Marguerite and all the family for a happy life ahead. Thank you so much for sharing your friendship with me. I hope you will continue to come to visit the Province of Alberta, of which I know you are very fond.

Hon. Edward M. Lawson: Honourable senators, much has been said about Senator Phillips, but his greatest attribute is the willingness and eagerness he displays in helping anyone from any side on any occasion.

A couple of years ago he invited us to come to Prince Edward Island to do "environmental research" on a number of the golf courses there. We were flying together on the plane and the captain interrupted and said, "One of the stewardesses has suffered a chest injury. Is there a doctor on-board that could offer assistance?" Senator Phillips said, "I am a doctor. I can help." I said, "You are a dentist. This is a chest injury." He said, "I will go. I am a doctor." He returned about two minutes later and I

asked him, "What happened? He said, "A doctor of divinity beat me to her!"

Senator Phillips said to me last week, "As an independent, I think it would be a nice gesture if you gave me a standing ovation when I leave." I said, "Orville, what happens if I am the only one standing?" He said, "No, I have that covered. I have told the other side that if they do not give me a standing ovation, then I am coming back."

In view of Senator Phillips' threat, and his outstanding record of accomplishment for his province, for Canada, and for the Senate, when he leaves, please, let us give him that standing ovation.

Hon. J. Michael Forrestall: Honourable senators, I wish to join in support with some of the words uttered here today about Senator Phillips. Like a number of you, my association with Senator Phillips goes back to the Diefenbaker days, the days of some of his colleagues who served here with him and have since gone. Bob Muir is one, and Heath Macquarrie should be here today to join with him. All of those members of Parliament from 1957, 1958, 1962 and 1963 who knew Orville in the beginning, would all testify to the fact that, as so many of you have said, Orville has been consistent in the right and loyal in his cause. Not much more can be said of a man in public life than those two observations.

I wanted to correct a widely held myth here about precisely why it is that Senator Phillips is leaving the Senate. It was his choice, as you said, but he has a very heavy and onerous duty, which has become a real obligation in the last few years since the opening of the Confederation Bridge. You see, to get a slot to play a round of golf at the river these days, you must know someone. Tourism has flooded one of Canada's great golf courses, "the river," as it is fondly known to Orville. On the off chance that the Prime Minister might want to put Lloyd Lawless in Orville's seat, he decided to go home and get two spots a week at Mill River. Should anyone be calling to look for a game, there will be at least a twosome there, Lloyd Lawless and Orville Phillips in the pursuit of one of his great loves, the game of golf. If you play with them put your name on your golf ball because Lloyd is liable to steal it.

Orville, have a good vacation and good rest. We will see you soon on the No. 1 "T."

Hon. Catherine S. Callbeck: Honourable senators, I, too, want to add a few words to the many tributes that have been given this afternoon to Senator Orville Phillips.

It is certainly true that Senator Phillips and I have never shared the same political party affiliation, but we certainly have shared the same passion for politics, people, Canada, and our home province of Prince Edward Island.

As we all know, and has been indicated many times this afternoon, Senator Phillips has done a great deal for Canada. Nowhere is that commitment more illustrated than in the work that he has done for veterans, for members of the Armed Forces, and for the people of Prince Edward Island.

Senator Phillips has had a distinguished and productive career in the Senate. I wish to take the opportunity this afternoon to wish you and your wife a wonderful retirement.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, Senator Phillips has had the privilege — or the misfortune — of having the bookend Connelys serve with him in this institution. When he arrived here, my father was a member of the Senate representing the province of Nova Scotia. During the early years of my father's good health, for nine years, they worked actively together. Senator Phillips has had to put up with me for the past five years in the Senate. He welcomed me here very warmly and related to me some of his reminiscences of my father.

I have watched and listened, particularly when he has spoken on the issues of veterans in this country. I regret to tell you, having observed last weekend some of the meals from that joint kitchen that serves all Winnipeg hospitals, that the meals were not any better than when Senator Phillips experienced them about a year and a half ago.

I want to ask Senator Phillips' grandsons to pay attention for just a moment. A lot has been said about this institution in the last little while, much of it not very favourable. When you go back to your schools and when you go on into high school and they talk about political institutions, I want you to stand up and say with pride, "My grandfather was a senator and he was a first-class senator. He served the people of this country well and I am very proud of him."

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I do not wish to be the spokesperson for the independents, but I do want to add my voice to the tributes paid to Senator Phillips on his retirement.

[English]

I have known Senator Phillips since 1957. I must admit, for him to see a French-Canadian Catholic from Quebec every day was probably not part of his daily routine at that time. That is the only allusion I shall make to my religion, my part of the country or my province. Over the years, we developed a keen, beautiful friendship.

There are so many things that could be said. I travelled with him in Asia and in Great Britain. I suggest to anyone who wants to learn and discover London, as I said earlier on Senator Phillip's thirty-fifth anniversary in the Senate, you must visit there with Senator Phillips. He knows about everything that London can offer.

In Asia, it is the same thing. Even at four o'clock in the morning sometimes, Senator Phillips would wake me to tell me more about Asia over a pre-breakfast glass of milk.

There is a story about Senator Phillips which perhaps you have not heard, and I am being encouraged by some senators in this

corner to tell it. I hope Senator Phillips does not object. Senator Phillips has always known how to count, and that is good because it is very important that a whip know how to count. This event happened during a very difficult time while the Honourable Guy Charbonneau was Speaker. Some new senators may not know that His Honour the Speaker, on very close issues, may vote in this place. However, the Speaker must stand first if he wishes to vote, and it can be very difficult for him to know when it is a time that he must vote.

On this particular day, I was sitting right upstairs in the gallery watching the deliberations. I was interested in the proceedings. I watched Senator Phillips repeating certain gestures. He would either comb his hair to one side with his hand, or he would touch his face with the other hand. I never knew what these gestures meant. I have now succeeded in solving that mystery. One sign meant, "Mr. Speaker, I need your vote," and the other sign meant, "Mr. Speaker, I do not need your vote." That is a lesson which should have been learned in the House of Commons in 1979.

As a very faithful attendant in the gallery, I had occasion on another day to observe Senator Phillips. I must admit that I was a little unruly myself in those difficult days. Perhaps it was because of the atmosphere here in the Senate, with all the gazoos and all the excitement on the floor. I did not approve of the change in atmosphere. I believed that the Senate should always be distinguished and different.

Suddenly, into the gallery came the Gentlemen Usher of the Black Rod, dressed in uniform, and walking towards me. I knew he was about to tell me something negative. You know my style; I was ready to answer back. Instead I was told that the chief whip had invited me to sit on the floor of the Senate. I thought the place had gone wild and I responded that I could not do that, that it is forbidden.

Then I learned another lesson. Senator Phillips knew about the British parliamentary tradition. I walked in and sat at the back beside the page because, according to the British tradition, a member of the other house can come and sit behind the bar. I was the first one to do that. I have been followed by others since then. I owe that memory to Senator Orville Phillips, my good friend over the years.

I got to know Senator Phillips even better during the very active week of study on the War Museum. That argument pitted Canadian against Canadian. During our study I got to know Senator Chalifoux. I was able to work with Senator Cools. I discovered also a new friendship, because of his military past, with Senator Johnstone. I was active on that committee — some thought too active — but because of Senator Phillips' patience with me, together we produced a good report for the Senate.

The Senate will soon lose two friends, Senator Orville Phillips and Senator Johnstone. These are two of the best, most knowledgeable friends of Canadian veterans. The Senate will be poorer; veterans will be poorer. The Senate must strive to fill those very important roles.

I thank Senator Phillips for what he has done and for introducing me to what Senator Johnstone has done. Because of the two of you, I have discovered it is possible to sit with members of different political parties and enjoy each other's company and respect.

•(1450)

I should like to extend my very best wishes to Senator Phillips for a happy and healthy retirement. Any time you come to the Senate, I will look forward to visiting with you. You will be more than welcome with your dear wife, Marguerite, and your children.

I was very touched by the last words of Senator Carstairs to your grandchildren with respect to having pride. They can have pride not only in the Senate as an institution, but in their grandfather. He is a fine man, a witty man, a very astute man, and a very devoted Canadian.

Hon. Senators: Hear, hear!

Hon. Orville H. Phillips: Honourable senators, I am quite used to you applauding me after I speak, but this is the first time you have done it before I have spoken. I am now beginning to wonder if I should speak.

In my years in the Senate, I have listened to many tributes. On occasion, sometimes with the prompting of Senator Doody, we would wonder why we missed some of the wonderful characteristics described and attributed to a senator retiring.

In spite of Orville Sparrow's difficulty, Orville Phillips did not have any today. I knew exactly who they were talking about. I had an awful temptation to prompt. I kept passing cue cards to my seatmate, but he would not use them.

I will make a brief reference to some of the comments that were made about me, and I will refer, first, to those made by Senator Lynch-Staunton when he said the government fell after I was appointed to the Senate. I am not so much concerned about that side collapsing, Senator Lynch-Staunton; it is this side that worries me. I hope you can get along without me.

Senator Murray spoke of cooperation between the late Senator Bill Petten and myself when we were whips. I will give a bit of advice to the Liberal whip, who is new. Senator Petten and I met quite frequently, and we would discuss the business that was to be done that week. We would then say, "I hope to God the leaders do not find out or we will never get it done." Therefore, do not tell them what you are planning for that week, and you will get things accomplished.

I wish to thank Senator Cools for her remarks. Senator Murray is suggesting that I often incited some of her actions. I cannot take claim for that because she was usually correct, and my advice is not always that good. The musical *Anne of Green Gables* ends with the song, "Anne, Stay as You Are," and that is my advice to you.

I should like to correct one statement made by Senator Johnstone. I did agree to give him one half of my pension, but he

was to give me one half of his investment portfolio. I have not seen that portfolio yet, but the offer stands any time he wants to take it up.

Senator Doody told me about a week ago that he would make up an article about me, and he said he was not very good at doing non-fiction. He said he would submit it for the Governor General's Award. Well, Senator Doody will not win the Governor General's Award for his remarks today because it was one of the most factual speeches I have ever heard him make.

To my friend Senator Prud'homme, I say thank you. After he came to the Senate, I called to see him one day. We got into a very serious conversation. He said, "You know, the Grits told me to watch you, that you are smart and that you will manipulate me." I have always wondered which one of the Grits thought I was smart enough to manipulate anyone as independent as Senator Prud'homme. Perhaps someday Senator Prud'homme will tell me that. I also noticed that in the seating arrangements he got placed as far away from me as he possibly could, at the other end of the chamber.

Years ago, I supported pensions and retirement for senators because up to then there were no pensions for senators. I was told by many people that when it comes your time, you will feel differently. Sure, there are regrets. I regret leaving the Senate. I regret leaving colleagues that I respect and admire on both sides. However, my regret is tempered by the gratitude that I was able to serve in both Houses of Parliament.

Winston Churchill, who probably had more letters after his name than anyone else, said the letters that he appreciated most were the ones that designated him as a parliamentarian. I think, therefore, that I have had the highest honour anyone can receive.

Honourable senators, reference was made to a number of prime ministers during tributes. I served under eight. You will understand if I have the most respect for Prime Minister Diefenbaker. Some may think I am a bit biased for a specific reason, but that is not the case. Prime Minister Diefenbaker understood Parliament. He understood how our customs arose, evolved and developed for our protection. He often referred to the power of the purse and how, when Parliament assumed the authority for appropriating money, they had taken away the divine right of kings and prevented dictatorships from arising. He had a vision of Parliament where Parliament had the purse strings and Parliament had a vision for all of Canada. That is the reason I have such great respect for him.

I should like to refer to the leadership in the Senate. The first leader was former Senator Alf Brooks, whom I knew from the House of Commons, then former Senator Jacques Flynn, former Senator Duff Roblin, my seatmate, Senator Lowell Murray, and now Senator John Lynch-Staunton. They were all able individuals and friends. Occasionally, I did not share their views. That really was not a matter of concern or anything that annoyed me because in a group of people, particularly politicians, someone always has a little different view. On one or two occasions it did annoy me, because it turned out that the leader was right and I was wrong.

I always had a certain respect for the Liberal leadership, as well, particularly former Senator John Connolly. He understood the difficulties of the small opposition trying to cover committees and address legislation. He did everything he could to assist us. Honourable senators, when there were only 17 Conservative senators, we had no research or assistance. We had to depend on the courtesy and understanding of people like Senator John Connolly.

•(1500)

I always enjoyed my friend Senator Joyce Fairbairn's leadership, particularly in Question Period. Joyce could be asked some very direct questions and she would get out her little book with a series of questions or answers which her staff had prepared and she would provide an answer. It did not matter what the question was, she simply sat down and smiled and said, "Boy, did I confuse those fellows!"

I have always wanted to pick on Senator Graham a little. However, I would remember that Al is a fellow Maritimer, and we had to sort of stick together. I let Al off easy for that reason. I know, too, that he has special problems in Nova Scotia and I wish him well in solving those problems.

Honourable senators, the Senate operates best when our numbers are approximately even. I can understand the government wanting to have a majority, and I expect the first appointments to be government supporters. However, I hope that all honourable senators will realize the day is coming soon when the opposition benches will need to be strengthened. I am not sure it will arrive soon; however, I hope that you will remember that Prime Minister Trudeau reinforced our numbers and made sure we did not disappear from this chamber.

Senator Sparrow mentioned that I had served on a good many committees. Honourable senators, I believe I have served on every committee in the Senate. I spent 17 long years on Internal Economy and after that, every time I heard that committee was to meet I would smile and say, "Good luck to you fellows, I am not on that committee." I believe there was only one committee I did not have permanent membership on, the Senate Standing Committee on Banking, Trade and Commerce. I did not have enough money to rate a permanent appointment to that ethereal body.

I served on a good many special committees. It was most pleasant working with Senator Sparrow in preparing "Soil at Risk," a report of the Standing Senate Committee on Agriculture, Fisheries and Forests.

I enjoyed serving on the Subcommittee on Veterans Affairs of the Standing Senate Committee on Social Affairs, Science and Technology, especially the week of witnesses we heard in relation to the War Museum. It was a tiresome week; however, we were encouraged by the number of people who volunteered to come in and help us out. They were staff members who came in and made the work of our committee easier.

I have enjoyed talking to the bureaucrats in Veterans Affairs and asking them what they have done about certain

recommendations. I have enjoyed the fact that they have acted on many of them.

I entered this chamber, honourable senators, believing in an appointed Senate; I leave it with the same belief.

Some Hon. Senators: Hear, hear!

Senator Phillips: I recall a meeting of one of the numerous constitutional committees we have had from time to time. The witness was a professor from Queen's University. He said the most essential thing about a government is experience and continuity. He pointed out that recent trends have been that a change in government means terrific change in the House of Commons. For a time, the House of Commons operates as an inexperienced body, whereas the Senate, with its experience, is in place to keep check on any radical action that a new government might take.

I do not feel the Senate should automatically oppose legislation simply because it was originated by a government of a different persuasion; however, I do believe it should be examined and explained to the public.

I know that is difficult because the Senate does not get very fair coverage. There are 350 members of the media assigned to Parliament Hill. We do not get very many of them in our gallery or very many of them reading our debates or our reports, which I believe are far superior to those of the other place.

Honourable senators, I suggest to you, before I leave the subject of the Senate, that the Senate will become more important, not less important. The Senate will become more important because our whole economic structure is now built on transfers and equalization grants. We are now beginning to hear grumblings from the richer provinces that they must share with the less advantaged provinces. I have recently heard Mike Harris and Ralph Klein complaining about that, and I believe that attitude will become more prevalent. Honourable senators, as regional representatives, must watch that very closely. It should become a very important topic for you all.

•(1510)

Honourable senators, people say that I must have seen many changes during my time here. I have seen many changes. The first to which I will refer is the phenomenon that, since we did not know who we were, we had to become distinct Canadians. There were times when I looked at this ceiling and thought, since we are destroying so much of our heritage and symbolism, we will probably be changing the ceiling on which we see the Scottish lion, the English rose, the fleur-de-lys, the Irish harp, and the Welsh dragon. I was never ashamed of those things; I was part of them. They are the ingredients that formed our nation. We blended in the people who settled the west — the Ukrainians, the Germans, the Poles — and we strengthened our nation. Since World War II, we have had an influx of immigrants from Italy and Portugal, China and other Oriental countries, and India and Pakistan. Those immigrants will blend in and further strengthen our nation.

The only thing that our search for distinction has succeeded in providing us with is division. Honourable senators, we do not need to be further divided. I considered myself to be distinct before this issue started and I consider myself distinct today. I am distinct because I am a Canadian.

I wish to mention as well the changes in Parliament. When I was in the House of Commons, if a program involving heavy expenditure had been announced outside of Parliament, there would have been an awful row in the House of Commons. Recently, the farm aid program was announced on television. That is an expenditure involving both federal and provincial funding. No one in the House of Commons responsible for federal appropriation raised a voice. No one in the provincial legislatures responsible for provincial appropriation raised a voice. Just before Christmas, the federal government announced a program for youth employment. That announcement, too, was made on television. Again, the House of Commons did not complain. It was the premiers who complained. The focus of Parliament has shifted from the Centre Block to the other side of Wellington Street where the press conferences are held, and that is unfortunate. Those announcements should have been made in Parliament, not on television, because that is the function of Parliament. I know that the audience is bigger on television. The temptation must be very great, but those announcements should be made first to parliamentarians.

The Senate has changed since I arrived here, probably due to leftover acrimony from the GST debate. Honourable senators, it is time to forget that. It is time to return to the way we used to be. It used to be that maritimers would talk to maritimers on the other side, discuss such problems as those in the fisheries and whether new legislation would affect the maritime fishery. You can still do that. Senator Comeau can speak to Senator Moore about Nova Scotia fisheries. They may come up with a great solution.

The same applies to agriculture. Bud Olson, now Lieutenant Governor of Alberta, used to talk to me about problems in agriculture. We kidded each other about who was to blame for those problems. We came up with the odd idea that we both agreed upon, and the Senate benefitted from those exchanges.

Problems for the unemployed are the same all across the country. They all want to work. All senators can discuss those issues and perhaps find some solutions.

People ask me what I plan to do in my retirement. I get the feeling that people expect me to work after retirement. I was planning to retire so that I would not have to work. The first thing I will do is clean out the basement to make room for some of the things from my office here. I am not looking forward to that. Lloyd and I suggested that the filing cabinets could go in the dining room. I have not yet received permission for that, and I am not optimistic that I will.

I plan to take up painting. Honourable senators will be surprised to know that I am artistic. The railing on the steps is beginning to rust. I found spray paint at Canadian Tire. I will need someone to hold up a sheet of plastic so that I spray neither the steps nor the stone work on the front of the house. I am

looking for volunteers to hold that sheet. I have one so far, but I believe I need two.

Years ago, when I was studying navigation at the air service school in Winnipeg, they were teaching us to find the North Star. To do that, you draw a line through the two bottom stars of the Dipper and you come to the Chair of Cassiopeia. Approximately halfway along that line is the North Star. Our ancient ancestors looked at this chair in the sky and decided that it had to be filled, so they put Cassiopeia in it. I do not know whether she was appointed or elected, but they put her in there and gave her the job of watching over hunters. I do not intend to occupy the Chair of Cassiopeia and watch over hunters, but I will occupy my favourite chair in my den and follow parliamentary proceedings, probably more closely than I do now. You will occasionally see me in the gallery. When you see me shaking my head, you will know that I am thinking, "In spite of everything I taught those fellows, they still have not got it right."

•(1520)

In the summer, we plan to follow a maritime star to P.E.I. Our summer residence is approximately five miles from Rodd Mill River Resort. I know a number of you have been there. I was getting ready to go out to No. 1 tee one morning and I heard someone calling me. It was Senator Lawson. I know Senators Forrestall, Oliver and DeWare have been there. I hope more of you will come there because it is associated with one of the 50 top golf courses in Canada. It has excellent tennis courts for those who enjoy tennis. It also has squash courts and canoeing and wind surfing. I hope when you come there you will give us a call. If your credit card is in good standing, Marguerite and I will join you for dinner.

There is another reason for coming to P.E.I., and that is that the highway takes you past Shediac, and that is where Senator Robertson lives. She is always glad to have visitors. Then as you approach the suburbs of P.E.I., approximately three miles from the entrance to Confederation Bridge, you will pass the residence of John Bryden. For those of you who are scotch drinkers, I point out that John keeps nothing but the best of single malt, and he will be glad to share it with you.

It now comes time for me to say thanks, and I will begin by saying thanks to those who worked with me. I always wanted them to work with me, not for me. Thank you Joan Riley, Morley Verdier, Doris Witson, Chad Rogers, and Lloyd Lawless. Each came from a different experience and brought a different characteristic to the office. I was wondering just what Lloyd did bring, but Lloyd taught me how advantageous the answering machine can be.

I wish to say thanks to the staff. That includes not only the black robes at the table and the pages, but also the messengers and the cleaning and security staff. All have been helpful at some time or other. To give you an example, when I came back last October, I asked Earl Saulnier, who is in charge of the maintenance on the fifth floor, to change a few light bulbs in the office. After I reminded Earl of his roots in P.E.I., he changed the light bulbs — in February.

The most important thanks of all are to Marg. She was both a supporter and a critic. She was very proficient at both. Perhaps the biggest mistake I made in politics is that I did not take her advice often enough, but she tells me I am a slow learner. Like most political wives, she had to raise a family. Some were born after I joined politics. She did an extremely good job at raising our family. Our oldest boy practises law in Calgary. Our oldest daughter lives in Grand Prairie in Alberta and assists her husband, John, in his consulting business. We have five grandsons in Alberta, and that is why Joyce Fairbairn is getting me landed immigrant status in Alberta. Our second son is an executive with the CIBC in Toronto, and he and Wendy have a boy and a girl. Our youngest, Patricia, and her husband, Gerry, teach school in Ottawa. Their two sons are in the gallery, and they are the ones whom Senator Carstairs addressed so well today.

We are also very appreciative of our in-laws, our two daughters-in-law and the sons-in-law who let me win the odd golf game. When I get too far behind, they start slicing into the woods, into the water, and into the sand traps to give the old man a chance to catch up. We have eight grandsons and one granddaughter. When the granddaughter was born, I said that it spoiled my baseball team. They assured me that she would learn to play shortstop, and that shows you that feminism is still alive in our family.

Honourable senators, I will close with this thought: In the past, I felt we spent too much time studying a problem and trying to put it into a certain category, to fit it in in a certain way. A problem is somewhat like an approaching thundercloud: You can see it; you know it has lightning and thunder in it; there is rain and wind associated with it. You do not wait until that cloud is there before you take action. I believe we should be looking at the problems and, as you see them developing, start looking for solutions. Honourable senators, yesterday and today are experience, tomorrow is the opportunity. In this chamber, there is a great deal of experience and ability, and I know that you will take the experience from yesterday and apply it in finding solutions for tomorrow. I wish you luck.

SENATORS' STATEMENTS

KOSOVO

ANNOUNCEMENT REGARDING NATO AIR STRIKES

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I wish to make a brief statement with respect to the situation in Kosovo. The Secretary General of NATO has announced that air strikes are underway.

Canada and NATO cannot passively stand by while civilians are killed and a whole population is denied its basic human rights because of their ethnicity. This is happening in the heart of Europe to which Canada is bound by links of blood, history, culture, and through our membership in NATO.

The atrocities have been going on too long. We have watched ethnic cleansing and massacres perpetrated in Bosnia before the international community intervened robustly to end that disaster. Over 450,000 people have now been displaced as a result of the violence in Kosovo, and the situation continues to deteriorate. It now seems that only the use of force will stop President Milosevic from continuing his scorched-earth policies.

We are not engaging in this course of action lightly or with any pleasure. We wanted a solution to be found through diplomatic channels, and all possible opportunities were offered to the Federal Republic of Yugoslavia to choose a peaceful and negotiated solution to the crisis.

The international community tried to engage the Federal Republic of Yugoslavia and numerous international emissaries were sent to Belgrade. The United Nations Security Council issued many balanced resolutions requesting Yugoslavia to abide by the ceasefire, to limit the deployment of its security forces and to engage in serious negotiation. These resolutions were all too often ignored by Yugoslavia.

The OSCE created a large mission to monitor the situation and build confidence. The Rambouillet conference was organized to facilitate dialogue and peace negotiations.

Unfortunately, the answer of President Milosevic to all these efforts was increased repression, a major military buildup, the targeting of civilians, which produced a major exodus of population, and a complete intransigence to consider a negotiated settlement.

NATO has now no other choice but to act. NATO's objective is to avert a humanitarian disaster by forcing the Federal Republic of Yugoslavia to stop its military offensive and its attacks on civilians and to sign a peace agreement.

European security and stability is crucial to Canada's interests in the world. We cannot let instability in the Balkans spread. We cannot tolerate ethnic cleansing. We hope that, in the face of international resolve, President Milosevic will come to his senses and that we will soon be able to work for a peaceful future for Kosovo.

[Translation]

YASSER ARAFAT

VISIT OF PRESIDENT OF PALESTINIAN AUTHORITY TO PARLIAMENT

Hon. Marcel Prud'homme: Honourable senators, it might have been a grand day for those hoping for peace in the Middle East. Unfortunately, Mr. Yasser Arafat, the President, will be unable to be present in the gallery of either the Senate or the House of Commons. He will, however, be meeting the Prime Minister at four o'clock.

My only comment, which could be quite long, represents the conclusion of a dream shared by a number of us. I want to draw attention to the efforts over the years of Senator Macquarrie. He

should have been in the gallery with Mr. Arafat. In view of the change in the program, that will be impossible.

Having hesitated for 30 years, having divided Canadians and parliamentarians, having exhausted all options human relations offers parliamentarians, Mr. Yasser Arafat is on Parliament Hill in Ottawa.

In the future, in one part of the world, there will be people looking for only one thing: justice.

[English]

Justice has been delayed so long, just for a visit. Honourable senators can imagine for some of us what this day represents. Only some years ago it was forbidden to speak to anyone from the PLO. Today, we still refer to Mr. Arafat as the Chairman of the PLO. It is the same even in press releases. As we all know, there has been an evolution, but some people are not ready to go that next step. Today, on the Hill, we have the President of the Palestinian Authority visiting the Prime Minister.

I can say to you that they are full of regrets not to be able to come to salute you. I am neither his interpreter nor his messenger. However, with your permission, honourable senators, since I will be meeting with Chairman Arafat briefly later on, I should like, on your behalf, to bring him your greetings from the Senate of Canada. If there is no disagreement, I would be happy to say to him, "All senators join with me in welcoming you here today. We hope that you will be able to address us the next time."

Is it agreed, honourable senators?

Hon. John Lynch-Staunton (Leader of the Opposition): That is out of order. This is Senators' Statements, not Motions.

HUMAN RIGHTS

CONFERENCE ON RELIGIOUS PERSECUTION

Hon. Lois M. Wilson: Honourable senators, we heard several statements in this chamber last week that referred to human rights, racial discrimination and, in particular, the situations in Cuba, East Timor and Tibet. Today, we heard about the situation in Kosovo.

Last week, I attended an Ottawa seminar that looked at Canadian policies around the prevention of religious persecution within the framework of the UN Universal Declaration on Human Rights. Organized by the Canadian Jewish Congress, representatives from the Jewish, Christian, Islamic and Baha'i religious communities in Canada were present, among others.

The Holocaust was a pivotal historical tragedy. It was the genesis of the modern human rights movement and it sparked a large investment of energy and time in creating, within the UN Universal Declaration on Human Rights, a section on religion, conscience and belief.

Last week, we examined the system for ensuring that all states comply with those human rights standards. We heard case studies on persecution of religious minorities in Iran, Sudan, Tibet, Egypt, Pakistan and others.

Our discussion took place within the context of the need for human security, since protecting religious tolerance is part of the human security agenda. We spent the day trying to arrive at a better assessment of religious persecution worldwide and to determine Canada's role in prevention.

At the end of the day, we agreed to establish a multidisciplinary, multi-religious advisory group to the Government of Canada that would include in its membership academics, representatives from the private sector, the government, religious communities, foreign aid workers, and others. We took the first step in what will be a long process to mobilize religious communities and others in Canada to be alert to what needs to be done in Canada and by Canada in its international role.

For me, this last week reinforced the urgent need for a human rights committee in this chamber so that senators can make a contribution to this subject in the context of an established committee. It would support our scattered individual efforts and give standing and status to this important work for Canada. I hope it will be established soon. I echo the words of the psalm, "How long, O Lord, how long" before such a committee is realized?

MR. RICHARD LOGAN

WELCOME TO NEW SENATE MACE BEARER

The Hon. the Speaker: Before we proceed to the next item on the Order Paper, honourable senators may have noticed when they entered the chamber today that we have a new mace bearer. I should like to introduce him to you now. He is Mr. Richard Logan, who is a native of Ottawa in the first instance. He was very active in the Air Cadet movement in his youth.

[Translation]

He was employed at the headquarters of the Air Cadet League of Canada in 1960 and held a number of positions. He left his job as executive director of operations in 1986.

[English]

During that course of service, he received many awards and honours. I will not mention all of them. However, to name a few, he received the Duke of Edinburgh's Gold Award in 1966, the Jubilee Medal in 1978, the Canada Medal in 1992, the Commander Air Command Commendation in 1995, and many more.

[Translation]

We welcome him to the Senate as mace bearer.

[English]

We hope you will find the position both interesting and rewarding. Welcome to the Senate, Richard Logan!

ROUTINE PROCEEDINGS

FEDERAL COORDINATOR ON HOMELESSNESS

PRESS RELEASE TABLED

On Tabling of Documents:

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the press release issued yesterday by the Prime Minister's office entitled, "Prime Minister Appoints Federal Coordinator on Homelessness."

SPECIAL IMPORT MEASURES ACT
CANADIAN INTERNATIONAL TRADE
TRIBUNAL ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. John. B. Stewart, Chairman of the Standing Senate Committee on Foreign Affairs, presented the following report:

Wednesday, March 24, 1999

The Standing Senate Committee on Foreign Affairs has the honour to present its

NINTH REPORT

Your Committee, to which was referred Bill C-35, An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act, has examined the said Bill in obedience to its Order of Reference dates, Wednesday, February 17, 1999, and now reports the same without amendment.

Respectfully submitted,

JOHN B. STEWART
Chairman

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

PRECLEARANCE BILL

REPORT OF COMMITTEE

Hon. John B. Stewart, Chairman of the Standing Senate Committee on Foreign Affairs, presented the following report:

Wednesday, March 24, 1999

The Standing Senate Committee on Foreign Affairs has the honor to present its

TENTH REPORT

Your Committee, to which was referred Bill S-22, An Act authorizing the United States to preclear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health, has, in obedience to the Order of Reference of Thursday, February 11, 1999, examined the said Bill and now reports the same with the following amendments:

1. *Page 6, Clause 15:* Replace line 1 with the following:

"15. (1) Every traveller reporting to a preclea-".

2. *Page 6, Clause 16:*

(a) Replace line 6 with the following:

"(2) If requested to do so by a preclea-".

(b) Replace lines 13 to 19 with the following:

"16. (1) If the traveller chooses to answer any question that is asked by a preclearance officer for preclearance purposes, the traveller must answer truthfully.

(2) If the traveller refuses to answer any question asked for preclearance purposes, the preclearance officer may order the traveller to leave the preclearance area.

(3) The refusal by a traveller to answer any question asked by a preclearance officer does not in and of itself constitute reasonable grounds for the officer to suspect that a search of the traveller is necessary for the purposes of this Act or that an offence has been committed under section 33 or 34."

3. *Page 6, Clause 17:* Replace line 24 with the following:

"16(2), and the Canadian officer is authorized".

4. *Page 10, Clause 33:* Replace lines 14 to 24 with the following:

"33. (1) Every person who makes an oral or written statement to a preclearance officer with respect to the preclearance of the person or any goods for entry into the United States that the person knows to be false or deceptive or to contain information that the person knows is false or deceptive is guilty of an offence punishable on summary conviction and liable to a maximum fine of \$5,000.

(2) Notwithstanding subsection 787(2) of the *Criminal Code*, a term of imprisonment may not be imposed for default of payment of a fine imposed under subsection (1).

(3) An offence under subsection (1) does not constitute an offence for the purposes of the *Criminal Records Act*."

Respectfully submitted,

JOHN B. STEWART
Chairman

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Losier-Cool, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

SCRUTINY OF REGULATIONS

FIFTH REPORT OF THE STANDING JOINT COMMITTEE TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour of tabling the fifth report of the Standing Joint Committee on the Scrutiny of Regulations on the Order varying a "letter decision" (Chandler subdivision) issued by the National Transportation Agency.

[English]

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 3:30 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

ALL COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That all committees have power to sit while the Senate is sitting tomorrow, Thursday, March 25, 1999, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, March 25, 1999, at 9:00 am.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, perhaps the honourable senator could explain what is anticipated to transpire at nine o'clock tomorrow morning?

Senator Carstairs: Honourable senators, I moved the motion for committees to sit tomorrow morning because we anticipate that there will be a Committee of the Whole of the Senate immediately upon our sitting at 9:00 a.m. tomorrow. This will enable us to deal with the back-to-work legislation, Bill C-76, which will be presented later this afternoon.

It is also our intention that when we have completed our work on that bill in the Committee of the Whole, the Senate will then suspend its sitting until its normal sitting time at two o'clock tomorrow afternoon.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

GOVERNMENT SERVICES BILL, 1999

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-76, to provide for the resumption and continuation of government services.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Sharon Carstairs (Deputy Leader of the Government): Later this day, honourable senators.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I believe that requires leave.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

INTERNATIONAL ASSEMBLY OF FRENCH-SPEAKING PARLIAMENTARIANS

MEETING HELD AT SAINT-DENIS, ÎLE DE LA RÉUNION—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian section of the International Assembly of French-Speaking Parliamentarians, and the related financial report. The report deals with the meeting of the executive held in Saint-Denis, île de la Réunion, France, from January 19 to 21, 1999.

[English]

QUESTION PERIOD

FOREIGN AFFAIRS

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—
POSSIBLE ACTION BY UNITED NATIONAL SECURITY COUNCIL—
MAINTENANCE OF INTEGRITY OF MONTENEGRO,
SERBIA AND KOSOVO—GOVERNMENT POLICY

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, further to the statement given by the Leader of the Government in the Senate, I wish to ask the government, given that it is supporting the bombing by NATO forces of Yugoslavia in the province of Kosovo, simply this, namely, does the Government of Canada have an articulated policy on how long the bombing will continue? Does it have an articulated policy as to what must occur in order for the bombing to stop?

•(1550)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as occurred with their air strikes in Bosnia, NATO is attempting to achieve the dual objective of degrading the Serbian military capabilities and compelling the warring parties to negotiate an agreement. This would set the stage for the deployment of NATO ground forces to implement a peace settlement.

It is impossible to make failsafe predictions or to enter into a specific time frame, but hopefully the objectives will be achieved sooner rather than later.

Senator Kinsella: Honourable senators, the question is whether the Government of Canada has any articulated policy and, if so, what is it? Is there a policy to support NATO up to a certain point or has Canada given NATO a blank cheque? What

is the relationship of this bombing to the failure by President Milosevic to sign the Paris accord? Is there a direct relationship between the two?

Senator Graham: Honourable senators, as I said in my earlier statement, it is hoped that President Milosevic will — and I choose these words deliberately — come to his senses and understand that the rest of the world means business; that NATO is serious and that Canada, as a part of NATO, will see this matter through to the end.

Senator Kinsella: Honourable senators, does the Government of Canada have any policy in relation to taking action in the Security Council of the United Nations, where Canada currently has a seat?

Senator Graham: Honourable senators, the matter is being addressed at the Security Council. As my friend knows, Canada had the privilege of occupying the presidency of that body during the month of February when this matter was under discussion. At the present time, the matter is being pursued very actively at the Security Council by Canadian representatives.

Senator Kinsella: Is it the position of the Government of Canada that the territorial integrity of Serbia, Montenegro and Kosovo will be maintained? Is that the policy of your government?

Senator Graham: Honourable senators, I should hope that it would be the policy of the government. I hope to be able to make a definitive statement on that matter in the future.

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—
POSSIBILITY OF APPEARANCE OF MINISTER OF NATIONAL
DEFENCE BEFORE SENATE—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, we have had indications from a variety of sources, principally the newspapers, as to what is happening. We will be adjourning shortly. Tomorrow may be the last day that we sit for a protracted period of time.

Tomorrow is usually a cabinet day. Is there any possibility that when we finish dealing, in Committee of the Whole, with the very important legislation which has just come before us here, that we might then hear from the Minister of National Defence? Would he come, make a brief statement and perhaps respond to some of our concerns, particularly regarding where Canada stands when the initial impact is over?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, if it were the wish of the entire chamber, I would be happy to pursue that possibility.

Senator Forrestall: Honourable senators, I have a brief supplementary question. I welcome the positive response from the minister. I urge upon him that many senators have a deep sense of urgency and foreboding. Canada is proceeding under the auspices of an alliance of which we have been a member for a long time. However, we are entering a country into which we have not been invited. We are not going as peacekeepers. We are going very distinctly as peacemakers.

On the basis of that alone, I would try to impress upon the Leader of the Government that he should bring his strongest efforts to bear on the minister. It would allow many of us to go home feeling a little better about the situation. I am sure that Canadians generally would appreciate that.

Senator Graham: I am very mindful of the concerns expressed by Senator Forrestall. It is regretful that the situation has come to this, but we must fulfil our responsibilities. We must stop President Milosevic from continuing the carnage. It is our responsibility as Canadians to work with our allies. It becomes a question of who is my neighbour. I believe we have a responsibility for the preservation of human life no matter where it is on the planet.

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—
APPLICATION OF SAME POLICY IN SUDAN, ETHIOPIA
AND OTHER COUNTRIES—GOVERNMENT POSITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, that is a good point. If we have a responsibility to our neighbour, who is our neighbour? Why are we not imposing the same policy in the Sudan described yesterday by Senator Wilson? Why are we not doing the same thing in Ethiopia/Eritrea or in Russia? How far are we going on this? Why are we focusing on the Balkans?

There are tragedies, civil wars and ethnic conflicts all over the world. Why are we not interfering in those, too? Why are we limiting ourselves to this conflict? I think it is one too many but that is a discussion for another time. We obviously have not learned from the Gulf War, nor from Somalia, nor from Iraq. We were drawn into those quagmires.

The government supports NATO and we support our country and we hope it is the right decision, but how far do we go? What comes next?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I cannot predict the future, but we should not rely on our allies to carry the load alone. We have responsibilities and if we are to be at the table, we must live up to them. Decisions on how far we will go are being discussed at the UN Security Council and with our allies at NATO. This is a joint decision.

When the contact-group-sponsored negotiations failed, the matter was handed back to the Secretary-General of NATO. He made his final decision today. While it is unfortunate that the decision had to be taken, I believe it was the right one.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

[Senator Forrestall]

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on National Finance have power to sit at 5 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

ORDERS OF THE DAY

WAR VETERANS ALLOWANCE ACT
PENSION ACT
MERCHANT NAVY VETERAN AND CIVILIAN
WAR-RELATED BENEFITS ACT
DEPARTMENT OF VETERANS AFFAIRS ACT
VETERANS REVIEW AND APPEAL BOARD ACT
HALIFAX RELIEF COMMISSION
PENSION CONTINUATION ACT

BILL TO AMEND—THIRD READING

Hon. Aurélien Gill moved the third reading of Bill C-61, to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other acts in consequence thereof.

He said: Honourable senators, I am extremely pleased to address you again today, so soon after second reading of Bill C-61. I am most grateful for the speed with which you have approved this important legislative measure.

Veterans made many sacrifices for their country and for their fellow citizens. Many of them made the ultimate sacrifice. By passing Bill C-61, we will pay tribute to all that they have done, and I thank you for recognizing this.

We had made a pact with the veterans, and today we reaffirm our commitment to respect it. The Merchant Marine veterans are very special Canadians, as are all veterans, and we are responding to their demand for recognition, in title and in legislation, as equal partners with their comrades.

We must never forget those who risked, and in some cases lost, their lives in the wartime defence of Canada, and who served it in peacetime, throughout this entire century and throughout the world.

When I was at the National Defence College in 1997, along with our colleague Senator Peggy Butts, I was able to see for myself that people everywhere in the world were proud and cognisant of Canadians' contribution. Today, your actions are paying a glowing tribute to them.

[English]

•(1600)

Honourable senators, I should also like to take this opportunity to acknowledge the superb work and dedication shown by Senator Phillips in chairing the Subcommittee on Veterans Affairs. Senator Phillips will be retiring after more than 45 years of service to Canada, both here and in the other place. His work on Bill C-61 and on many subcommittee reports is appreciated by all veterans. He has made a difference in the lives of Canadian veterans and deserves their thanks and ours.

Finally, honourable senators, I wish to acknowledge the fine work performed by the subcommittee's deputy chairman, Senator Johnstone. He will also be retiring from the Senate, and in the time he has been in the Senate, he has proven himself to be a true friend of Canada's veterans. He will be missed.

Hon. Norman K. Atkins: Honourable senators, I appreciate the opportunity to speak at third reading on Bill C-61. However, before I begin my remarks, I wish to extend congratulations and thanks to my colleague Senator Orville Phillips for a job well done. During his years here, he has been a constant spokesperson on behalf of the veterans of Canada. Under his chairmanship, the Subcommittee on Veterans Affairs has tackled a myriad of complex subjects which affect our veterans. Health care for veterans, pensions, and the need for a new War Museum have been the subjects of reports of this subcommittee, reports which have a meaningful input into the policymaking process of government. Thank you, Senator Phillips.

Honourable senators, I spoke last in this chamber on veterans issues shortly after the Speech From the Throne in 1997. The purpose of speaking today is to draw some linkages among all the issues that affect veterans, some of which are in Bill C-61, some of which are not.

In 1997, I drew the government's attention to the report of the Senate Subcommittee on Veterans Affairs entitled "Steadying the Course." I suggested that the government move quickly to amend veterans' legislation to eliminate the distinctions and status of benefits between uniformed veterans and civilians who served abroad in close support of our Armed Forces in theatres of war or in special duty areas. I also suggested that the full benefits of the Veterans Independent Program be extended to those who served on ships as merchant marines and thus played a vital role in the war effort. I also referred to the continuing failure of the Department of Veterans Affairs to properly exercise the benefit of the doubt theory in favour of veterans' applications. In fact, I suggested that the Veterans Review and Appeal Board be more generous in awarding claims, and I made note of the tragic state of the Last Post Fund.

Since that time, Senator Forrestall has introduced Bill S-19, which recognizes the wartime service of Canadian Merchant Navy veterans and provides for their fair and equitable treatment.

Senator Phillips' subcommittee has tabled a very important report on veterans health care, and we now have Bill C-61 in front of us for third reading approval.

It is unfortunate that Bill C-61 does not incorporate some of the elements of apology and fairness contained in Senator Forrestall's bill. Also, it will now be the challenge of this government to address the issues raised in the recent report of the Subcommittee on Veterans Affairs. That report suggests extending the Veterans Independent Program to all those who served overseas who are entitled to a priority bed in the hospitals. If this occurred, money would be saved and veterans would be allowed the dignity of living longer in the familiar surroundings of their own homes. Also, the Department of Veterans Affairs should be able to negotiate agreements with the provinces to allow hospitals and long-term care facilities with more than 30 veterans a degree of autonomy from regional health authorities to allow them to better meet the needs of veterans.

Bill C-61, which is before us today, transfers the provisions of governing veterans benefits for merchant navy veterans from the Merchant Navy Veteran and Civilian War-Related Benefits Act to the acts dealing with Armed Forces veterans and amends those provisions so as to broaden the scope of war service, making Merchant Navy veterans eligible for benefits. This is good as far as it goes.

However, Merchant Navy veterans are still seeking redress because of the fact that they were excluded from many post-war rehabilitation grants and benefits that were made available to other veterans. One solution to this issue would be a one-time payment agreed upon through a conciliation process. Alternatively, the government could look at Senator Phillip's suggestion of providing an annuity to Merchant Navy veterans of approximately \$2,000 per year. No matter which solution the government might choose, there should be redress in this area, and it must come quickly.

I take issue with the way the continuation of war veterans allowances for allied war veterans without pre-war Canadian domicile who reside outside Canada is dealt with in this bill. Canadian War Veterans Allowance benefits are not limited to Canadian citizens or to the person who served in the Canadian military. They have also been available to, and in respect of, any person who served in any of His Majesty's forces or other allied forces in World War I or World War II, provided that the person was domiciled in Canada at the time of enlistment or has resided in Canada for a total period of 10 years.

In 1995, however, amendments to the War Veterans Allowance Act cut off veterans' allowances for allied veterans without pre-war Canadian domicile who continued to reside outside Canada after February 1996. The federal cabinet decided in 1995, however, not to enforce this cut-off date in view of unforeseen hardships for overseas recipients and their Canadian

families resulting from the requirement for recipients to return to Canada. Clause 2(1) of the bill would formalize this policy decision so that effective recipients would continue to receive the allowances until a date fixed by the Minister of Veterans Affairs. Clause 2(2) would validate all War Veterans Allowance payments made to the affected veterans and survivors after the unenforced February 1996 cut-off date.

Honourable senators, I believe these pensions should simply continue and not be placed at the whim of the Minister of Veterans Affairs. If they are entitled, as I believe they are, to a pension, then the minister should not have the power to disentitle them at some future date.

I, too, am concerned with the provisions of the bill that attempts to streamline the pension application appeal process. These bureaucratic amendments, as Senator Phillips calls them, make it easier for the Pension Appeal Board to refuse to hear an appeal.

•(1610)

Honourable senators, the number of war veterans in Canada is declining every year. Forecasts reveal that, by March of next year, the number of veterans will be reduced to 383,000. They will be older, more feeble and much more in need of the help which we as Canadians should be proud and honoured to provide. We do not have much time left to help those who sacrificed so that we might live in the freedom we now enjoy.

Let us all work together to provide our veterans with the financial resources necessary to allow them to live their remaining years in dignity and comfort. Bill C-61 is a step in the right direction. However, it does not go far enough. I believe we must watch closely how veterans are cared for as they get older and are less able to look after themselves.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

GOVERNMENT SERVICES BILL, 1999

SECOND READING—POINT OF ORDER

On the Order:

Second reading of Bill C-76, to provide for the resumption and continuation of government services.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, before Senator Graham moves second reading, I rise on a point of order, though I am attempting to be helpful. The deputy leader kindly gave us each a copy of Bill C-76 before the sitting yesterday. Since then, there have been a number of amendments. If copies of the bill as amended are available, could we have them distributed this afternoon so that we may know more on what we are supposed to speak about?

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I was assured that there were to be copies before the Senate for all members this afternoon. I cannot explain why they are not here.

[Translation]

The Hon. the Acting Speaker: Honourable senators, as far as the documents are concerned, they will be distributed to you shortly. Is that satisfactory?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I move second reading of Bill C-76.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Senator Graham: Honourable senators, we are here to examine and, I hope, approve legislation passed in the other place to restore government services to Canadians.

My colleague the President of the Treasury Board announced last night the conclusion of a tentative agreement for striking blue-collar workers. This was a result of the efforts on the part of both government and union negotiators and is proof that the government is serious about collective bargaining. In the true spirit of negotiations, both parties compromised at the bargaining table. The details of the agreement are not being released publicly by the government at this time in order to give PSAC the first opportunity to communicate the information to their members. As honourable senators are aware, the agreement must still be ratified by the union membership, and this raises another problem.

Canadians cannot afford to wait for the tentative agreement to be ratified or rejected. We cannot take for granted that the blue-collar workers will stop their rotating strikes during the ratification process.

It is also important to point out that other tentative agreements have not gone on to be ratified by employees. This includes an agreement that was rejected last January by correctional officers. This is an issue of great concern to the government.

At midnight March 25, 1999, many of these same correctional employees will be in a legal strike position. In the case of the operational or blue-collar workers, some of the provisions of this proposed legislation will come into effect within hours of the proposed legislation receiving Royal Assent. However, in the case of the correctional officers, the bill's provisions will come into effect only in the event that the current bargaining process does not produce a settlement.

As honourable senators will know, the government is not imposing a settlement on correctional officers at this time. It wants the negotiation process to work and is actively engaged in trying to ensure that it does. However, the government also needs to have the means to protect public safety if negotiations do not work and a settlement is not reached.

A strike or rotating strikes by guards in the penitentiary system could be detrimental not only to the public but to the inmates and those civilians working within correctional institutions.

The situation with regard to operational or blue-collar government workers is somewhat different not only because a tentative agreement was reached yesterday. Since January 18, after failure to reach a settlement, these workers have been in an official strike position. They have initiated a series of rotating strikes in various parts of the country.

I wish to make it clear that the government firmly believes that all workers, including government workers, have the right to negotiate collective agreements and to take collective action from time to time in an effort to gain better pay and better conditions. This proposed legislation does not signal any change in that position. The government has always been willing to negotiate fairly and openly with its unionized workers.

The tentative agreement reached yesterday by the Treasury Board Secretariat with the Public Service Alliance of Canada for the blue-collar workers is proof of that willingness and demonstrates that there is always room for compromise at the bargaining table.

Approximately 87 per cent of unionized federal government workers, including over 100,000 members of the Public Service Alliance of Canada have accepted and are working under similar arrangements to the ones reached with the workers who are now involved in this dispute.

In the case of correctional workers, the union is demanding increases of 17 to 19 per cent over two years. Such an increase would not be in line with increases agreed to with other government workers.

It should also be remembered that the government has already agreed to make a number of non-wage improvements for its workers. These include: increases in annual leave and sick leave, better arrangements for parental leave and leave for the long-term care of a parent, an expansion of the definition of maternity leave, a new parental allowance, the extension of parental leave to include the children of common-law arrangements, higher meal allowances, and increased rates for over-time and shift work. We believe in fair pay for public servants.

We believe that while public servants are not over paid, they generally have compensation and terms and conditions of employment that compare favourably with those of most Canadian workers.

•(1620)

Furthermore, the settlements reached in the federal public service compare favourably with those in other sectors. Though I believe that our public servants do indeed serve the public with dedication and a high degree of professionalism, the fact remains that the rotating strikes have caused a serious disruption of services to Canadians and, in some cases, genuine hardship.

Their picketing actions in particular have a multiplier effect because they prevent other federal employees, employees not involved in the dispute, from carrying out their duties and responsibilities. This not only costs the government and taxpayers money in lost time, it also means that Canadians have been deprived of regular government services in a whole range of areas — from airports to the offices of Revenue Canada.

Perhaps in normal times most Canadians would not be too upset if Revenue Canada was not able to do its job of collecting taxes. However, as the Minister of National Revenue has pointed out, the rotating strikes have meant delays in processing over 1.2 million tax returns and has cost the department an additional \$10 million already. Even more important, however, is the fact that those rotating strikes at Revenue Canada offices across the country are holding up approximately \$500 million in tax refunds that are payable to Canadians. This is causing particular hardship for low- and middle-income Canadians who rely on getting that tax refund cheque every year to cover everything from paying the rent or the mortgage to buying clothes and food for their children.

Those rotating strikes have also had a serious impact on our western grain farmers because our grain shipments were being put on hold. The Wheat Board has reported that it has lost a \$9-million sale to Asia as a result of strikes and that the situation was putting a number of other grain sales in jeopardy. Western grain farmers are already facing one of the worst financial years in a decade, even without these disruptions. It is no surprise that western farmers and the Wheat Board have asked that the government step in to put a stop to the strikes. At stake is not merely current revenues for our farmers, but our reputation as a reliable overseas supplier.

After 10 weeks of rotating strikes and 10 weeks of disruptions of services to Canadians, the government has no choice but to act. Our economy is being seriously affected. The ability of the government to deliver services to Canadians is being seriously and severely curtailed. Our international reputation as a reliable exporter of wheat has been put at risk. The legislation before us, even with the agreement reached last night, is still needed to restore full government services to all Canadians. I therefore hope that all honourable senators will join with the government and give this legislation their support.

Senator Lynch-Staunton: We are certainly quite willing to do so, because we have had to suffer the indignity of introducing back-to-work legislation, which I think it is the worst form of legislation imaginable. However, when we have done so in the past, at least we have had a complete copy of the bill before us.

I wonder whether what we have in front of us is in order. We have a certified copy of the bill which was given first reading in the house, plus four or five pages of typewritten amendments physically separate from the bill itself. Are we expected to do some cutting and pasting, and take this part and put it into the original text? I find this irregular, and certainly not very respectful of the responsibilities that we have, and I wonder whether it is in order to receive such a document in such a condition.

Senator Graham: Honourable senators, if the Leader of the Opposition asked a question, my answer is that the staff are trying to do this work as quickly as possible. Being mindful that the final vote in the other place took place around 8:00 or 8:30 this morning, the staff is working very diligently to attempt to provide us with what is necessary and what should be appropriate under normal conditions, but these are not normal conditions.

Senator Lynch-Staunton: The question was addressed to His Honour the Speaker. Are we acting in a regular fashion by not having the bill before us?

The Hon. the Speaker: I just checked with the Deputy Clerk. In the past, when there has been emergency legislation, we have had material submitted in this way and have proceeded with it.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, His Honour says that this is emergency legislation. Where is the emergency if the Table 2 parties have reached agreement and the Table 4 party, the correctional officers, are not even in a strike position? The argument that an irregular first reading bill is properly before us because of some kind of emergency does not seem to hold water.

Senator Lynch-Staunton: I do not recall since I have been here that we have done it in this way. We do not have the bill before us. This is an urgent bill. You would have thought that the government, no matter what time the bill was passed in the House, would have acted a little more urgently, particularly if they wish us to go into Committee of the Whole at nine o'clock tomorrow morning. Are we to go back to our offices and ask our staff to cut and paste and interpret what the amendments are about? We are trying to cooperate, but the government should give us the tools with which to cooperate, and these are not the proper tools.

The Hon. the Speaker: Honourable senators, it is not really in my court, but if I can be of any help to the Senate's work, I have asked the Deputy Clerk to determine when the final printed copy of the bill will be available. At the moment, I do not have an answer. Perhaps I could suggest that we suspend discussion at this point and proceed with other bills until we get an answer as to when the material will be printed, and then the Senate can decide how it wishes to proceed.

Senator Kinsella: I have no difficulty with that suggestion. However, before we do that, perhaps His Honour, who is the interpreter of our rules, would explain for us the form in which this house receives a message from the other place and whether there is a certified copy that comes by way of the message that says "This is the actual bill that was passed in the other place." No doubt, there are all kinds of drafts of bills, and bills get amended, as this one has been amended. Just so that all honourable senators know what the official message is that we are receiving, and whether there is a certification of the bill that is given to His Honour to say that he has received a message; he then informs us of that and we say that the bill has been read the first time? Is it just any old piece of paper, or is it something that is certified as having come from officers of the other place?

The Hon. the Speaker: I have never received a certified copy from the other place. It is possible that the Deputy Clerk does, though, because that material flows through his office. I will enquire from him as to what the rule is. Normally, he simply advises me that this is what will appear on the Order Paper, and I take his word that this is the proper course. I will enquire.

Senator Kinsella: We, on this side, would accept the suggestion from His Honour that we suspend our debate until this matter is cleared up. In the economy of house time, we would invite the Deputy Leader of the Government to call another government matter.

• (1630)

The Hon. the Speaker: The Deputy Clerk advises me that what documentation we have received is from the House of Commons. This material that you have states "As passed by the House of Commons March 23, 1999." It has the insert that you have and it is signed at the back, "Ordered that the Clerk do carry this bill to the Senate and desire their concurrence." It is signed by the Clerk of the House of Commons with the date. It is a certified copy. That is the normal practice with other bills. The Deputy Clerk receives the certified copy.

Senator Lynch-Staunton: Honourable senators, the question is: If the bill was delivered in the final form to the appropriate authorities here, why is it that copies of that bill cannot be provided to members of this house?

The Hon. the Speaker: This bill was sent with the insert that you have.

Senator Lynch-Staunton: It does say on the frontispiece, "As passed by the House of Commons on March 23, 1999." What we have is "Bill C-76, first reading March 22," with an add-on, a separate document. At least this one appears to have inserted within the copy the amendments in their right place. We do not have that.

The Hon. the Speaker: At the top it has "temporary parchment." It is a taped point on top of what was there before, "as passed by the House of Commons." The amendments are in the same form as you have them — not inserted, where they belong, but simply on the second sheet. That is the document that we have.

I do not have an answer for you at the moment as to when the reprinted one will be available; we are presently checking on that.

Senator Lynch-Staunton: I think the point has been made. I would hope that that bill, in its proper state, will be before us by the end of today so that we can have it before us for the discussion tomorrow in Committee of the Whole, otherwise we may have to delay Committee of the Whole. I am quite willing to go through second reading now in anticipation of adhering to the schedule of Committee of the Whole, but even the government should recognize that it would be fruitless to question witnesses on a bill wherein we are compelled to move documents around just to figure out what it says. I hope the government agrees with what I think is a very generous suggestion.

The Hon. the Speaker: Honourable senators, if that is agreeable, then we will proceed to second reading now on principle. The Deputy Clerk is checking immediately with the printing people as to when we will have the final bill. I see no reason why it would not be available by tomorrow morning at nine o'clock, although I cannot give that guarantee.

Senator Lynch-Staunton: Honourable senators, my remarks will be even briefer than I expected. I do not want to make it appear as if the amendments would change the bill considerably, but they do have a significant impact on the bill's original wording.

I wish to say, however, in general that, to my mind — and that of many others — back-to-work bills must be the most deplorable method of resolving a labour dispute imaginable. In recent memory, unfortunately, no government has been able to avoid it and no government has studied or is studying in-depth ways to avoid it.

When government and union witnesses appear to discuss this bill, questions will be asked about the breakdown of the bargaining process. If the past is any indication, each will point the finger at the other and agree that a solution must be found, and that will probably be the end of it.

Perhaps the time has come for the Senate to look into the matter, because back-to-work legislation is bad legislation for many reasons. I will elaborate on only one. It gives the employer the edge. Whether government or post office or port, it gives the right to dictate a settlement, even during a legal work stoppage, all in the name of a "national emergency."

I wonder where the "national emergency" is today? Picket lines have been removed from grain loading ships on the West Coast. What if refund cheques are being delayed and demonstrations are being held which lead to traffic disruptions and the blocking of access to airports? These are inconveniences, yes, but enough to declare an emergency — an emergency justifying a bill like this one? I, for one, do not believe so.

As bad as back-to-work legislation is, Bill C-76 is even worse than its predecessors because it has two elements which were not found in other similar bills. Those two elements are most discomfiting. The first is that this bill is being fast-tracked, even after a tentative settlement has been announced. The government, in effect, is saying to its employees, "We recognize your right to strike. We even recognize the collective bargaining process, as a tentative settlement testifies, but by striking you are disrupting government services. We are taking your right to strike away, even if you are soon to be called on to vote on the tentative settlement."

The right to strike is the ultimate right exercised when employees feel that other recourses fail them. It is not one they usually enjoy exercising because it has negative financial consequences on them. They do it as their ultimate means of pressure on the employer, who must suffer his own consequences. It may be unpleasant, but it is legal. The employer — in this case, the government — wants to remove this right and

legislate a settlement even before the tentative settlement announced last night is put to a vote. This is not bargaining in good faith, this is a unilateral imposition of the employer's will, which is guaranteed to be imposed no matter the sentiments of the employees.

Not only is bad legislation made worse by this additional feature, but Bill C-76 becomes even more unacceptable by providing that a group of employees who are not even on strike will not be allowed to exercise their right to strike. I repeat that they are not even on strike at this moment. Their right to strike only starts at midnight tomorrow night and this bill, which is supposed to be back-to-work legislation, is telling employees who are not even out on strike, "We will take away the right for you to go out." This is unheard of, namely, that their right is to be removed even before they have had a chance to exercise it.

In addition, for this group of employees, the government is giving itself the exclusive right to dictate and impose a new contract. The President of the Treasury Board or the Treasury Board can dictate the contract itself for this group of employees. This is happening after the government rejected the majority recommendation of a conciliation board.

All of this is for correctional workers who have been considered non-essential. Senator Graham has made a lot about the fact that if they go out on strike, our prisons will be poorly guarded, inmates will be at risk and the public will be at risk. Let us put things in perspective. It is only a small percentage of federal correctional service officers who are involved.

A minimum amount of research will tell you that of 4,700 employees there are only 783 exempt from the essential service category. Surely, the system can be well guarded, well protected and well staffed should the 783 decide to go out on strike. If this feature of the bill is legislated, it may well be used as a precedent in future cases and, in effect, make a mockery of the whole bargaining process.

I will end my remarks right here and simply say that I hope we will have the bill in its final form before too late this evening. I wish to add that only a full explanation and justification for the two features that I have mentioned and other features of the bill are required. If not satisfactory, there is no question in my mind that this bill will have to be amended, if not rejected completely.

•(1640)

Senator Kinsella: Honourable senators, any time the Senate is asked to examine a piece of legislation, we sit down and read the bill, obviously. Often, problems with the bill of a technical nature jump out, even before we try to zero in on the principle of the bill, which we debate at the second reading stage.

As Senator Lynch-Staunton has pointed out, the manner in which we have this bill before us makes both exercises somewhat more difficult. It is a sloppy piece of work. The danger is that when a piece of legislation is on a fast track, we may end up missing things; that we may pass a piece of legislation that is neither sound technically nor sound in principle.

I will take a few moments to focus on a couple of issues. First is the issue of the collective bargaining process. The question that should jump out for us all is whether the rights of Canadian workers are on the line with this piece of legislation?

To put that question in context, I remind honourable senators of our international obligation under the International Covenant on Economic, Social and Cultural Rights. Canada is bound, by international treaty law, under Article 8, subsection 1(d); which section provides that the right to strike is a right that we recognize.

This bill deals with one group of workers, namely the correctional officers, who theoretically have a right to strike under the Public Service Staff Relations Act. The exercise of that right is defined through the provisions of that statute, as passed by Parliament. That particular bargaining unit will not be in a strike position until Friday of this week. This legislation is purporting to order those workers back to work when they are not even out on strike. Is that not somewhat of an oxymoron in terms of presentation?

If the argument of the government is that, for security reasons in our correctional system, in the penitentiaries and other facilities, we must maintain these essential services, then we must examine very carefully whether any of the workers who are being denied their legal right to strike — a decision which they have yet to make — are in the category of essential services. The answer is that they are not. There are 728 correctional officers who would be eligible to go off the job, should they decide to do so, in support of their effort to achieve a collective agreement to which they believe they are fairly entitled.

That does not mean every correctional officer in Corrections Canada would be off the job. There is a whole group of correctional officers who are designated as essential. They do not have the right to go off the job. There are more than 4,000 such correctional officers.

Quite frankly, honourable senators, the principle implied in this bill is that we force a collective agreement upon those workers — notwithstanding that they are not even off work — because they constitute some kind of a national interest in terms of the security of our prison system. That implication does not seem to be sustained by the facts. The facts say that the designated essential correctional officers will be on the job.

One must examine the effect of this kind of legislation on the free collective bargaining process in terms of the rights of Canadian workers to bargain with their employer, who in this case happens to be the public employer. If we allow the public employer to use the power of the state almost at a whim, we will undermine tremendously the free collective bargaining process that can be found in any free and democratic society. Honourable senators, I do not believe anyone in this chamber wants to start going down that road.

We certainly recognize the principle of essential services, of security of state, of public interest, but when you examine the

facts surrounding the correctional officers affected by this bill, it is hard to see how one can apply that principle.

In collective bargaining in the private sector, the Minister of Labour plays the key third-party role. Under the Public Service Staff Relations Act, the Minister of Labour does not play that role but there are still third-party mechanisms. For example, there is the conciliation mechanism.

During the negotiations at Table 4 affecting the correctional officers — the conflict or the disagreement on the issues at the table between Treasury Board, on the one hand, and the bargaining group, on the other hand — were submitted to a conciliation board. That conciliation board reached a majority decision. Its decision, in my view, ought to have been accepted by the parties as, honourable senators, it was accepted by the bargaining unit. It was Treasury Board who refused to accept the third-party analysis and recommendation.

A few moments ago, the sponsor of the bill seemed to suggest that negotiations are going on as we sit between Treasury Board and the Table 4 group, the correctional officers. It is my understanding that Treasury Board walked away from the table. It was not the bargaining unit who walked away. Of course, why would Treasury Board not walk away if they have in the back of their minds: "Do not worry; we can use the power of Parliament and simply legislate the kind of collective agreement that we want."

They know full well that there is no emergency. These workers are not even out on strike.

Last evening, an agreement was reached with the general workers, which agreement will be submitted to the membership next week. It is expected to be ratified by the membership. Can we not reach the same kind of an agreement with the second group, the correctional officers? All that is required is an acceptance by the government of the conciliation board recommendation.

Honourable senators, we should look very carefully at the majority report of the conciliation board which was there as the honest broker, the third party. They have made a recommendation which one party to the dispute has already accepted.

•(1650)

When the state uses its awesome power to interfere with the free collective bargaining process, the burden is a little extra on the shoulders of the government to yield to the demands of its employees. That is the principle underlying my belief that the government should move the bill in the direction of finding a compromise, as was done last evening with the other group.

I will conclude on an issue regarding this bill, about which I am sure all honourable senators must wonder. It relates to the question of differential rates of pay for workers doing the same job in different parts of Canada. We, as members of this house, represent every corner of Canada. Our work is equal, our qualifications are equal, and our pay is equal. Why should it be

that employees of the Government of Canada who find themselves in Vancouver or Fredericton or Trois-Rivières are receiving different rates of pay for the same job? It not only vitiates the fundamental principle of equal pay for work of equal value, it vitiates the more elementary principle of equal pay for equal work. The driving of a snowplow on the runways in Victoria and the driving of a snowplow on the runways in Charlottetown require the same effort, the same experience and the same responsibility, and should attract the same rate of pay. In principle, I am opposed to anything other than a national rate.

The Hon. the Speaker: Honourable senators, I am very pleased to report that, just moments after Honourable Senator Kinsella began to speak, the printed version did arrive. I thank Honourable Senator Lynch-Staunton for having raised the question. To illustrate how quickly it was done, my copy was still hot when it arrived.

Do any other honourable senators wish to speak?

If not, is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read the second time.

REFERRED TO COMMITTEE OF THE WHOLE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Graham, bill referred to Committee of the Whole at the next sitting of the Senate.

APPROPRIATION BILL NO. 1, 1999-2000

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Johnstone, for the second reading of Bill C-74, granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000.

Hon. Terry Stratton: Honourable senators, I should like to speak very briefly with respect to Bill C-74. The National Finance Committee is meeting at five o'clock to deal with the Main Estimates for the year 1999-2000. That will be the first meeting on the Main Estimates, and it is being held so that we can submit an interim report. However, we shall be meeting again in April and May on the Estimates. As I am sure all senators are aware, the document is a couple of inches thick, although it is in French and English, and it will take a substantial amount of work on the committee's part to get through it.

I did not want anyone to get the idea that the National Finance Committee will just push these Estimates through in a slapdash

manner. The purpose of today's meeting is just to produce a first report; we will meet again at least twice more in the fiscal year.

The Hon. the Speaker: If no other honourable senators wishes to speak, is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Cools, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Carstairs, for the second reading of Bill C-55, respecting advertising services supplied by foreign periodical publishers.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, the promotion and protection of Canadian social and cultural life are objectives that most Canadians endorse. Previous governments, in particular the Progressive Conservative government, have been at the vanguard in this area. The Free Trade Agreement and the North American Free Trade Agreement, which have proven so successful for Canada, stand as testimony to the real leadership of then prime minister Mulroney and his government, leadership that speaks to a willingness to invest one's political capital for the public good, even at the expense of private cost. It was the Progressive Conservative government that, as a matter of public interest, secured the exemption of the cultural industries from those trade agreements. Therefore, let there be no doubt as to where we stand on the need for Canada to secure its cultural life.

However, the question we are asked when presented with Bill C-55 is whether the government's proposal is the best approach to achieve the common desire, the common objective. We must also ask, when examining this bill, whether it is a good piece of legislative drafting. Does it say what the proponents argue is its purpose? That question is particularly important, given the discussions that have been going on with respect to the bill.

We have, honourable senators, the obligation to examine this bill in terms of our values, including the question of how much the proposed legislation impairs the rights and freedoms guaranteed to Canadians by our Charter of Rights and Freedoms.

Honourable senators, I believe that there may be some serious difficulties with this bill when examined in light of the Charter obligations. Therefore, we will want to study this bill very carefully, to determine whether it infringes on Charter rights and, if so, whether such an infringement meets the *Oakes* test applicable to a section 1 override argument. As honourable senators know, the first part of the *Oakes* test is whether the objective of the legislation is of sufficient importance to warrant overriding a constitutionally protected right or freedom.

What is the objective of Bill C-55? Quite frankly, it is difficult sometimes to discern what it is from the legislation, and that is only complicated when one reads the various statements of various members of the government as to the objective of the legislation. Sometimes the Minister of International Trade seems to be arguing one objective and the Minister of Canadian Heritage seems to be arguing another.

• (1700)

It seems generally accepted, if we go to the bill itself and read the commentary, that Bill C-55 is designed to protect Canadian culture — that is what the proponent of the bill in the Senate argued the other day — and, more particularly, to protect the Canadian magazine industry from unfair competition by split-run magazines.

Canadian magazine publishers argue that Canadian magazines, which are critical to maintaining a distinct Canadian culture, are dependent upon advertising revenues for survival. They have also argued that major American publications, such as *Sports Illustrated*, receive sufficient revenues from their American edition to support their non-advertising or editorial content. They also argue that split-run editions would allow American magazines to publish a Canadian edition with almost identical editorial content at a marginal extra cost and, therefore, offer lower advertising rates to Canadian advertisers. They also argue that this is the equivalent of dumping American content on the Canadian market.

As honourable senators know, when the WTO ruled that several of the previous measures intended to protect the Canadian magazine industry from split-run competition were not in compliance with the GATT 1994, they clearly stated that a periodical is a good comprised of two components: editorial content and advertising content. They went on to say that both components can be viewed as having services attributes but they combine to form a physical product, the periodical.

This finding, which rejected Canada's argument that the measures dealt with a service only, was cited with approval in a later appellate body report, the so-called bananas decision. In that decision, the panel expanded on the concept of measures that involve a service relating to a particular good or a service supplied in conjunction with a particular good, which can, therefore, be scrutinized under both the GATT 1994 and the GATS, the General Agreement on Trade in Service.

If a periodical were just an advertising service, then only the GATS would apply, and Canada has not subscribed to any commitment with respect to advertising services under the GATS. However, if a good is also involved, GATT 1994 also applies, and it seems generally accepted that Bill C-55 would be in violation of the non-discrimination clause.

Without going into the issue of whether Bill C-55 does or does not comply with international trade law, it seems clear that the reason for the somewhat tortured structure of the bill is the attempt to cast it as dealing only with a service, namely advertising services, and not with a good, the periodical. The result, however, is that the Charter objective is difficult to discern. Bill C-55 does not refer to magazines or the content of magazines, or to Canadian culture, with the exception of two minor references to advertising services or space in a periodical.

On the face of it, the bill deals only with the provision of advertising services directed at the Canadian market by foreign publishers. Perhaps it would be most accurate to describe the objective as the protection of Canadian culture by finessing the existing WTO decisions, but presumably that is not an objective that the government would wish to strongly argue.

Bill C-55 would seem to have some elements in common with the Tobacco Products Control Act, which was found unconstitutional in the *RJR-MacDonald Inc. v. Canada (Attorney General)* case. Both legislative initiatives attempt to prohibit a form of advertising. It is difficult to see how the courts could find otherwise than that Bill C-55 infringes freedom of commercial expression. The courts have upheld limitations on commercial expression dealing with price, quality, effectiveness, safety and informed consumer choice, however, a complete advertising prohibition based on the nationality of the publisher looks much more suspect.

Any Charter challenge is, therefore, likely to revolve around the application of the *Oakes* test. If we assume that there is a constitutionally valid objective for this bill, which is quite an assumption, the next question is whether the bill is rationally connected to that objective. A court may have some difficulty finding the rational connection between the specific objective of controlling split-run magazines and the total prohibition of all foreign publishers from supplying advertising services directed at the Canadian market to a Canadian advertiser. However, since the clearest argument against the bill would seem to be the minimal impairment test, it is perhaps not worth spending overly much time on the issue of the objective and whether the legislation is rationally connected to it.

The case that seems to offer the most logical comparison to Bill C-55 is, as I said, the Supreme Court decision on *RJR-MacDonald*, which held the Tobacco Products Control Act to be unconstitutional. At issue was the manner in which the *Oakes* test would be applied to commercial speech. The dissenting opinion argued that the court should give a greater degree of deference to legislation that implemented social policy than to ordinary criminal justice legislation, since social policy should be left to Parliament.

Madam Justice McLachlin, writing for the majority, disagreed, and her reasoning seems very relevant to Bill C-55. I would refer honourable senators to the written judgment of Madam Justice McLachlin, because it is right on the point.

In short, the Supreme Court, in my view, would be unlikely to accept an argument by the Government of Canada that Bill C-55 is essential to social and cultural policy and should therefore not be tampered with. The government would need to establish on a balance of probabilities that the proposed legislation does not impair rights to a greater extent than required to meet the objective.

Bill C-55 does not lend itself to a clause-by-clause analysis. However, there are certainly a number of features that might cause difficulty when applying the minimal impairment test. For example, the complete prohibition contained in clause 3(1) on the ability of a Canadian advertiser to advertise in periodicals produced by a foreign publisher if the advertising is directed at the Canadian market, where again the fact that a major element of what appears to be a criminal offence is defined by regulation. That clause, 20, would allow the Governor in Council to make regulations respecting criteria to determine whether advertising services are directed at the Canadian market.

Another example is clause 15(1), which would provide that a foreign publisher who commits an act outside Canada that might be a contravention of clause 3 is deemed to have committed that act in Canada. Another problem, honourable senators, that needs to be examined is clause 8(3), which would allow for an *ex parte* order to be made against a foreign publisher in certain circumstances.

Another area is the deeming provision in clause 3(2). It provides that a Canadian publisher acting under licence or other authority from a foreign publisher is deemed to be a foreign publisher, presumably catching the *Elle Québec* publication despite the fact that its content is largely Canadian.

The next example is clause 3(4), which provides in part that Canadian members of a non-profit organization are deemed not even to be Canadian for the purposes of a prosecution if more than 25 per cent of the members of the organization are not Canadian citizens or permanent residents.

Further, the definition of Canadian and foreign publisher, which together suggests that a Canadian periodical with Canadian content designed for a Canadian audience would no longer be able to sell advertising space if more than 25 per cent of the shares were purchased by non-Canadians.

In conclusion, honourable senators, it is highly probable that the Supreme Court of Canada would find Bill C-55, as presently drafted, to be in violation of the Canadian Charter of Rights and Freedoms. It is, therefore, our duty as senators to examine the question of the Charter compliance of this bill.

Therefore, I would recommend that members of the Senate Standing Senate Committee on Legal and Constitutional Affairs give careful study to this bill before the Standing Senate

Committee on Banking, Trade and Commerce would conclude its examination and prepare its report on the bill.

The Hon. the Speaker: If no other honourable senator wishes to speak, I will proceed with the motion.

It was moved by the Honourable Senator Graham, seconded by the Honourable Senator Carstairs, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

MOTION TO REFER TO TRANSPORT AND COMMUNICATIONS
COMMITTEE—DEBATE ADJOURNED

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Perrault, that this bill be referred to the Standing Senate Committee on Transport and Communications.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I seek an explanation as to why this bill would go to the Standing Senate Committee on Transport and Communications when its predecessor, the bill struck down by the WTO, was examined by the Standing Senate Committee on Banking, Trade and Commerce.

Senator Kinsella has made a suggestion which I hope was heard, if not acted upon. He said that because there are questions regarding whether this bill meets the freedom of expression portion of the Charter, should it not go to our Legal and Constitutional Affairs Committee to clear that up. I made a recommendation the other day that the bill, with the agreement of the United States, which I think is essential, go to the WTO for a pre-ruling as a reference.

Could the Deputy Leader explain the government's wishes to see this bill referred to a committee that has never before studied the matter, whereas another Senate committee is completely familiar with the issues, having done similar work on, I believe, Bill C-103?

Senator Carstairs: Honourable senators, the work of committees in this place tends to be somewhat uneven. When we look at the mandates of the committees, Senator Lynch-Staunton is quite correct — the bill could go to the Legal and Constitutional Affairs Committee, the Transport and Communications Committee, or the Banking, Trade and Commerce Committee. When I examined the workload of those three committees, it was quite clear that the Legal and Constitutional Affairs Committee is always overburdened with legislation. Therefore, with the greatest respect to the members of that committee and their chair, Senator Milne, that was not a reasonable place to send this legislation.

I looked at the Banking, Trade and Commerce Committee and the legislation that will be coming to it very soon. There is Bill C-67, dealing with amendments to the Bank Act. There is a money laundering act, which will be introduced the first week after the Easter break and is on the government's must have list, as much as they can establish such a list. There is also Bill C-54, the Personal Information Protection and Electronic Documents Act, which is anticipated to go to the Banking, Trade and Commerce Committee very soon because we are expected to receive it from the other place shortly.

In light of that, honourable senators, and the fact that I anticipate no legislation going before the Transport and Communications Committee, it seemed to make sense on the basis of workload to send this bill to the Transport and Communications Committee.

Senator Lynch-Staunton: The point is, honourable senators, that the Banking, Trade and Commerce Committee has no legislation before it now. The bills going to the committee are not even before this house. I do not know at what stage they are in the House of Commons, but I suspect they are not close to coming over here. Hence, the argument Senator Carstairs has provided does not stand up.

I simply do not understand my honourable friend's reasoning. I should like to hear members of the Banking, Trade and Commerce Committee who are here today argue either for or against whether they feel qualified to study this bill. Members of that committee have studied this issue. They had a good debate on the previous bill. The debate on that bill was lively, and it was brought to this chamber. Why we would want to abandon all that experience, with all due respect to Senator Bacon's committee, is beyond me. Let us take advantage of what we have and build upon it.

The Hon. the Speaker: Honourable senators, the current discussions are somewhat irregular. However, I think in the interests of the Senate, it is a useful thing to do. Is there leave that this debate continue?

Hon. Senators: Agreed.

Hon. W. David Angus: Honourable senators, I wish to add a few words on this subject. I suspect that 10 or more of my colleagues on the Banking, Trade and Commerce Committee would empathize with what I have to say. What Senator Lynch-Staunton has just said is quite true. There is no legislation at all before the Banking Committee, and indeed this morning we did not sit for lack of work. It was a terrible thing.

I do not for one moment profess to be an expert on the *Rules of the Senate* or parliamentary procedure generally. However, there is something important to be said for anticipation and consistency. Although I am conscious that there is no specific Senate rule governing what bills go to what committee, I am aware of rule 1 of the *Rules of the Senate*, which states:

1(1) In all cases not provided for in these rules, the customs, usages, forms and proceedings of either House of

the Parliament of Canada shall, *mutatis mutandis*, be followed in the Senate or in any committee thereof.

As I understand it, one of the overriding customs and usages governing our proceedings in this chamber is that they be consistent, clear and subject to anticipation for the best governing of our business.

Just over three years ago, our Senate dealt with Bill C-103, to amend the Excise Tax Act and the Income Tax Act. As a member of the Banking Committee, I was involved in its study. This new bill is designed to replace Bill C-103, and it deals essentially with the same subject-matter as the earlier bill.

Bill C-103 received second reading in this chamber on November 7, 1995, and was promptly referred to the Banking, Trade and Commerce Committee, inasmuch as its subject-matter clearly involved issues of trade and commerce. That bill was reported to this chamber with one amendment on December 5, after very exhaustive study in committee. Thus, I believe it reasonable for the Banking, Trade and Commerce Committee and, indeed, for honourable senators generally, to have anticipated, as a matter of consistency, that Bill C-55 would be referred to the same committee as Bill C-103. The members of the Banking Committee are, for the most part, familiar with the subject matter and the issues involved with the legislation.

Bill C-55, honourable senators, has become the subject of much debate in international trade and commerce circles, especially in Canada-U.S. trade circles. It is clearly a sore point or a thorn in the side of Canada-U.S. relations presently. Let us face it, this is a controversial piece of legislation.

I can say with some reasonable degree of authority and experience that in matters of controversial litigation, the dubious practice of forum shopping crops up from time to time. In view of the treatment received by Bill C-103 in the Banking, Trade and Commerce Committee, one cannot help but wonder if the government is perhaps, even unwittingly, indulging in a little forum shopping of its own in this case. If so, I submit that for the sake of consistency and the orderly conduct of our business in this chamber, Bill C-55 should be referred to the Standing Senate Committee on Banking, Trade and Commerce, as originally anticipated.

Honourable senators, in closing, I think it is in order to refer to an editorial which appeared on December 22, 1998, in the *National Post*. I quote from the third paragraph thereof, which states on the subject of anticipation and orderly conduct of our business:

If and when the bill —

— and they are referring to Bill C-55 —

— leaves the House of Commons, logic dictates that it be referred to the Senate Banking, Trade and Commerce Committee. But because of the rough ride this committee gave previous legislation on split-runs, rumours out of Ottawa suggest a worried Ms Copps will insist on sending it to a less independent-minded committee instead.

Shame, honourable senators. We would not want to indulge in forum shopping for those reasons.

● (1720)

The Hon. the Speaker: Honourable senators, before I recognize any other honourable senator, I should like to make a correction. I had said that leave was required, because I thought we were continuing the exchange with the deputy leader. Obviously, this is a regular motion and speeches can be made without leave being required. However, if you intend to have back and forth exchanges with the deputy leader, it must be done with leave.

Hon. Mira Spivak: Honourable senators, I do not know much about forum shopping; however, I do know about shopping.

As a member of the Standing Senate Committee on Transport and Communications, I hate to differ with my colleagues, but I do not know why members of this committee would be considered less independent-minded.

I also have a piece of important information to bring before the Senate. That is that, in the House of Commons, the committee that examined this proposed legislation was the Heritage Committee. We do not have a heritage committee in the Senate, however its counterpart is the Standing Senate Committee on Transportation and Communications.

Senator Carstairs: Honourable senators, I must say, I take a certain amount of exception to the remarks of the Honourable Senator Angus. He has imputed motives on my behalf.

The only motivation that I have in selecting committees for proposed legislation, and I am the person who selects where a bill will go, is on the basis of the workload of committees.

Senator Lynch-Staunton: The Senate decides, you do not.

Senator Carstairs: No one has ever imputed a motive to the contrary on this point in my almost two years in the deputy leadership in this place.

If a senator wishes to challenge the committee which will review a proposed piece of legislation, that is a senator's right and that is what was done. However, Senator Angus has gone beyond that. He has also imputed motives to the chair and the entire Standing Senate Committee on Transport and Communications. Senator Angus has suggested that the members of the Transport and Communications Committee are not as competent as members of the Standing Senate Committee on Banking, Trade and Commerce to deal with this subject.

Senator Angus has suggested that they may be somehow biased toward the position presented to them. I deeply resent those accusations, not just as they pertain to me, but in regard to the Standing Senate Committee on Transport and Communications.

Hon. Pat Carney: Honourable senators, I wish to state for the record that in the Senate, trade bills normally go to the Standing

Senate Committee on Foreign Affairs, they do not normally go to the Standing Senate Committee on Banking, Trade and Commerce.

Should we be looking for a home for this proposed legislation, I am sure that the Foreign Affairs Committee, which specializes in trade, and whose agenda is rather barren at the moment, would be willing to adopt this orphan.

Hon. David Tkachuk: Honourable senators, it is my understanding that when Senator Angus was referring to less independent senators, he certainly was not referring to our side.

I should like to argue the case on a matter of principle. The standing committees should fight for their turf. Members of standing committees spend a significant amount of time becoming competent in their areas of study. This competence is reflected in the good work that the Senate does on bills.

I shall not speak for Senator Angus; however, it is my understanding that he was not inferring that the members of the Standing Senate Committee on Transport and Communications were less competent, rather that the only thing that the Transport Committee has in common with this bill is that buses, trains and automobiles move the magazines from their place of publications.

On the subject of communications, I read Senator Graham's speech carefully. The issues raised by Senator Graham related to antidumping, which is a trade matter. He spoke at great length about the economic advantage for magazines to be printed in larger runs in the United States and then they come to Canada and receive a free ride with Canadian advertising. That is a dumping proposition.

Senator Graham also argued on the basis of fair competition. That is something that we would deal with in the Standing Senate Committee on Banking, Trade and Commerce.

On page 2843 of Thursday's *Debates of the Senate*, Senator Murray asked questions of Senator Graham in regard to the issues and who was in charge. Senator Graham said that the Minister of Canadian Heritage was in charge along with the Minister of International Trade. That was in reference to the two deputy ministers who were in the United States. Certainly, they were not discussing communication matters with the United States government, they were discussing trade matters with the United States government. Senator Graham admitted to that and said:

The issues are undoubtedly concerns by the United States that American magazines will be treated unfairly. That is not the case...

He goes on to say:

The magazines that have already been doing business and selling advertising in Canada prior to the introduction of the bill in the other place would be free to continue as they have been.

I wish to emphasize that Canada has played by the rules. In August of last year, Canada complied completely with all aspects of the World Trade Organization ruling on periodicals. We acted to repeal the tariff code. We moved to amend Excise Tax Act. We altered the administration on postal subsidies and we lowered the postal rate for foreign magazines.

All the issues in this bill that the government speaks about are trade issues. Therefore, I am arguing for my turf, senators, and I hope that the bill will be referred to our committee.

Hon. John G. Bryden: Honourable senators, it is proposed that this legislation be referred to the Standing Senate Committee on Transport and Communications. The last time that I considered the matter, I thought magazines were involved in communicating.

If there were a natural home for a bill that is dealing with magazines, one would think it would be in the Standing Senate Committee on Transport and Communications. I do not know why previous legislation in this regard ended up with the banking committee. However, they did not do very well, the legislation was struck down by the Supreme Court. Why would we send it back to them, particularly when Conrad Black is saying: "We want it to go to the Banking, Trade and Commerce Committee, do not send it to the Transport and Communications Committee."

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, perhaps we should adjourn the debate so that the Deputy Leader and I can have consultations, perhaps resolve this issue and present it to the Senate for decision tomorrow.

I do not believe it is helpful for members of various committees to have this kind of a debate. Usual channels might be able to resolve this.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Bill C-103 of the last Parliament was indeed sent to the Standing Senate Committee on Banking, Trade and Commerce. It is reasonable to ask why Bill C-55 would not also be referred to that committee.

It is important to remember that Bill C-103 imposed special customs and excise taxes on split-run publications. Rule 86(1)(l)(ii) of the *Rules of the Senate of Canada* provide that matters related to customs and excise should normally be referred to the Standing Senate Committee on Banking, Trade and Commerce. That is why Bill C-103 was referred to that committee.

•(1730)

Bill C-55 takes an entirely different approach to the problem of split-run magazines. Instead of imposing a tax, it imposes a specific prohibition on the publishers of foreign magazines.

Rule 86(1)(j)(i) provides that the Senate Committee on Transport and Communications should normally have referred to it matters related to communications, whether it be radio, television, satellite, broadcasting, postal communications, or any other form, method, or means of communications. You will find that on page 92 in our rules.

Magazine publications would clearly fall within this definition, particularly when television and radio broadcasting are specifically mentioned. Print publications are just as important as radio and television when it comes to communications across the country.

I thank Senator Tkachuk for referring to my speech, although he did not say how excellent it was. I did mention in my speech how we learn about one another and about the different parts of our country, about Nova Scotia and Saskatchewan, through our magazine publications.

Just to reiterate, Bill C-55 has nothing to do with customs and excise taxes, as did Bill C-103. This legislation deals with magazine advertisements, and magazines are a vital part of the communications network of this country. The issue falls clearly within the scope of the Standing Senate Committee on Transport and Communications and its responsibilities.

[Translation]

Hon. Lise Bacon: Honourable senators, I find the way the members of the Standing Senate Committee on Transport and Communications are being treated totally offensive.

[English]

There are no second-class citizens in this Senate. We are all senators, appointed the same way.

The Hon. the Speaker: It was moved by the Honourable Senator Kinsella, seconded by the Honourable Senator DeWare, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I hear "no." I must ask for "yeas" and "nays." Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

On motion of Senator Kinsella, debate adjourned.

APPROPRIATION BILL NO. 5, 1998-99

THIRD READING

Hon. Sharon Carstairs (Deputy Leader of the Government) moved the third reading of Bill C-73, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

FEDERAL-PROVINCIAL
FISCAL ARRANGEMENTS ACT

BILL TO AMEND—THIRD READING

Hon. Sharon Carstairs (Deputy Leader of the Government) moved the third reading of Bill C-65, to amend the Federal-Provincial Fiscal Arrangements Act.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Terry Stratton: Honourable senators, if I may, under the *Rules of the Senate of Canada*, page 123, Appendix 1, Provincial Representations to Senate Committees, I should like to put on the record a letter from Prince Edward Island.

When Bill C-65 came to the Standing Senate Committee on National Finance in a rush to be passed and returned to this chamber for third reading, we sent letters to all the provincial finance ministers asking if they had any comments or would like to appear before our committee. I called the Minister of Finance of Manitoba, for example, and asked if he would like to appear. We did not hear back from any of the provincial finance ministers with the one exception, and that was the provincial treasurer of Prince Edward Island.

We did not have time to have them appear, and their letter arrived too late for us to deal with in committee. However, I should like to read it into the record today, if I may.

The letter is dated March 23. It is from Patricia J. Mella, Provincial Treasurer.

Please find attached a written submission from the Government of Prince Edward Island to the Standing Senate Committee on National Finance concerning Bill C-65, *an Act to Amend the Federal-Provincial Fiscal Arrangements Act*.

Thank you for the opportunity to express the government's views on this legislation.

I will read now read the presentation into the record.

Members of the Senate Committee on National Finance

The following presentation is short, and I trust, to the point, as we understand there is some urgency to passage of this legislation. I will not dwell on the importance of Equalization to the Province of PEI as you are no doubt aware that this revenue source is by far the largest single revenue for the province. At some \$222 million it can be compared to the \$130 million received in personal income taxes. I might also note that the formula that drives this program produces extremely volatile revenue flows that are a source of continuing concern to the Province.

My comments are essentially divided into two parts. First, my views on the current environment within which this legislation is being considered. Second, specific points of contention concerning the legislative proposal.

First, the Federal Minister of Finance has recently emphasized the large increases in Equalization that have occurred during the present (1998/99) fiscal year. Most prominently mentioned was the \$2.2 billion of extra equalization monies to be paid out by the Finance Department. In the case of PEI, the Honourable Lawrence MacAulay announced to the local press that PEI was to receive an additional \$42 million. Our budgeted equalization in 1998/99 was \$209 million, and so it is evident that this additional amount is indeed a large adjustment.

The impression that has been given to the public is that the program has become very generous. It is this impression that concerns me as it may colour one's views on the necessary technical changes that form the renewal package that is the concern of this legislation.

The federal government has chosen to say little about the other side of the story, that Equalization entitlements and payments to provinces, have been artificially low in the past three years. The basis of payments of Equalization in 1996/97, 1997/98 and 1998/99, prior to the recent revisions, were actually below the level of entitlements for 1994/95, and 1995/96. In 1994/95 for example, Equalization entitlements were \$8.6 billion whereas entitlements prior to the February 1999 revisions for the year 1998/99 were \$8.5 billion.

The 1999 Budget revisions raise the 1998/99 entitlements to \$9.6 billion. That amount, it might be noted is identical to the projection of equalization that was provided by the Federal Government in its 1996 Budget. At that time, you may recall, severe reductions in CHST payments were being introduced and the improved Equalization outlook was presented as a partial offset for this.

For PEI the recent revisions were of an unprecedented amount, but I should emphasize that the largest revision was with respect to the 1997/98 fiscal year. Essentially the Province has been severely underpaid during the last two years. Furthermore, this has made mandatory budgetary planning for our province very difficult.

• (1740)

Federal Finance has given the impression that the program has suddenly become very expensive but as a percentage of federal revenues the program has actually shrunk from 7 per cent in 1994/95 to 6 per cent in 1999/2000, according to the latest federal estimates.

It is our opinion that the equalization formula should be rebased on the National Average standard and not remain at the five province standard, if it is to properly compensate poorer provinces for revenue deficiencies as described in Section 36 of the Canadian Constitution. I understand that this may not be a very expensive move but it was denied by Federal Finance, largely on grounds of affordability. PEI is most concerned that Federal Finance has become overly concerned about affordability of the program and questions this attitude given its shrinking relative size.

Second, let us look at the renewal package itself.

It is evident that significant improvements were needed in a wide range of revenue bases, such as forestry, mining, retail sales, gaming and payroll taxes. Our officials spent endless hours analyzing these various requirements. Some were accepted and some, such as the property tax base, were not. Naturally no one expects full agreement by all sides on these points and by and large PEI is satisfied with the balance of changes embodied in the technical improvements.

Unfortunately, federal officials imposed a series of constraints on the renewal package that we strongly object to. Again it appears that affordability was a major concern. The present renewal package has been deliberately adjusted by Federal Finance to lower its value.

The most unusual constraint that was imposed refers to the way technical changes are to be introduced. Having acknowledged the need for technical improvements, Finance is not prepared to bring them into effect on April 1, 1999, but will pro-rate them over the coming five years. This means that the five year improvements will take five years to fully take effect. It is not as though the final package is very large. For PEI it is worth \$3.2 million. By prorating it, we must wait until 2004 before we receive the full renewal amount. In 1999/2000 we will receive approximately \$600,000 of the technical improvements, which even by our standards is not a lot of money. The

package is valued at \$242 million in total, or 2.8 per cent of total entitlements, but only \$48 million of this will be added in 1999. Bearing in mind that swings in entitlements themselves can measure hundreds of millions of dollars the desire to impose prorating seems particularly petty.

The Federal Finance department also made a unilateral decision to have the value of equalization entitlements for User Fees. This decision saved them \$345 million per year. It was acknowledged in renewal discussions that this revenue base required study and provincial officials proposed that it be subject to detailed scrutiny. However, Federal officials refused this and imposed this decision on the renewal package.

Notwithstanding the restrictions described above, the renewal also incorporates a downward adjustment to the ceiling that could have severe implications for receiving provinces in coming years. The ceiling is established at \$10 billion in 1999/2000 and will grow with Canadian GDP. To the extent that it reduces payments to provinces it essentially destroys the very purpose of the program, which is to help poorer provinces provide services at reasonably comparable levels, without resorting to unreasonably higher levels of taxation. In addition, when the ceiling bites, the uncertainty over the entitlements for a given province increases enormously.

In conclusion, the Province of Prince Edward Island has a high stake in the Equalization program and the need to maintain it at high standards. There are several key aspects of the renewal package that the Province finds objectionable. In addition, the Province is most concerned that the Federal Finance Department has unnecessarily looked for financial savings in this critical program and has publicized information on the program that may colour one's views on the financial costs of the program.

The Government of Prince Edward Island trusts that these views will be taken into account in giving due consideration to this legislation.

It is signed by the Honourable Patricia J. Mella, Provincial Treasurer, P.E.I.

The Hon. the Speaker: If no other honourable senators wishes to speak, I will proceed with the motion.

It was moved by the Honourable Senator Carstairs, seconded by the Honourable Senator Bryden, that the bill be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read the third time and passed.

FIRST NATIONS LAND MANAGEMENT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Maloney, for the second reading of Bill C-49, providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management.

Hon. Pat Carney: Honourable senators, Senator Chalifoux, in her thoughtful speech of March 16 on Bill C-49 has explained that the purpose of this bill is to provide 14 First Nations with authority to govern their lands at the local level and to promote self-sufficiency, new partnerships and strong government systems. In short, this bill was drafted to meet many of the pressing concerns facing First Nation communities in Canada today.

There is no question that these are critical issues that must be addressed and that the goals of self-sufficiency and self-government in native communities are essential. However, there are people directly affected by this piece of legislation, such as aboriginal women and my neighbours in Vancouver who own homes on land they lease from the Musqueam First Nation who say that, because of this legislation, they are all "consumed with fear."

Legislation that causes such fear and anger is not in anyone's interest, be they native or non-native. The fact that it is perceived as such a threat indicates that Bill C-49 should be examined extremely closely now that it is before us.

This bill is of compelling importance to both native and non-native British Columbians. The bill affects only the 14 First Nations that have signed the framework agreement, but they include five bands in British Columbia — Musqueam, Squamish, Westbank, Anderson Lake, and Fort George — constituting more than one-third of the bill's signatories to date.

At the time this bill is before us, about 95 per cent of British Columbia is under land claim, both urban and non-urban lands. It is one thing to consider this bill from the vantage point of someone who lives in Ottawa, away from potential conflicts, but another from the vantage points of British Columbia where the issue involves one's neighbours.

The historic and important Nisga'a treaty affecting a significant portion of northwestern B.C. is presently before the B.C. legislature. At some point, it will be before this chamber. Polls show British Columbians are ambivalent about such treaties. They are supportive of the goals of self-sufficiency and self-reliance for native Canadians but are understandably wary of areas of potential conflict with non-native residents. There are many areas of B.C. where non-natives work and reside under lease arrangements on reserve lands. Westbank, on Okanagan Lake, and Musqueam, fringing Vancouver's west-side residential area, are two examples.

The real and potential areas of conflict created by Bill C-49 could poison the environment in which these important treaties must be negotiated in order to achieve economic and cultural independence for B.C. native bands and to help the province achieve its maximum potential.

I cannot stress this point enough. The settlement of land claims and initiatives towards land management as contemplated in Bill C-49 are essential for the overall development of B.C. since native and non-native lands and resources are closely intermingled. The rich aboriginal culture and the breathtaking imagery of the First Nations of the Pacific Coast are an example of the magnificent contribution they have made and can make to the very essence of British Columbia, the place that both native and non-natives call home.

The spirit of cooperation, of seeking the common ground, is exemplified in organizations like the Coastal Community Network where 30 member-communities, native and non-native, along the entire coast, Richmond to Alaska, will meet in Steveston on April 9, 10 and 11 to discuss these common problems and possible solutions.

Another area of common interest is the commercial fishery which is composed of native and non-native fishermen who fish side by side and who work together to surmount huge obstacles created by Mother Nature, Ottawa bureaucrats and Liberal ministers.

•(1750)

Closer to home, many pioneer British Columbian families, such as my own, include family members and in-laws of native descent, so the potential for good in Bill C-49 must be carefully protected by modifying those aspects that would cause unnecessary, unneighbourly conflict.

I will use only two examples: the issues of expropriation; and the concerns of aboriginal women about division of property in the event of marriage breakdown.

Let us take the last first. Senator Chalifoux admits in her remarks that the issue of marriage breakdown or division of property is not addressed in either the Indian Act or Bill C-49. She says that the debate on Bill C-49 will "give those people affected the opportunity to speak up."

Honourable senators, we have all been hearing from native women, and they do not like what they see in Bill C-49. Let me quote Wendy Lockhart Lundberg, a registered member of the Squamish Nation, one of the signatories to the framework agreement. She expresses her fears as follows:

...federal actions are attempting a legislative end-run around treaties by offering bands power over land management. Native women will bear the brunt of these legislative provisions and will be denied the protections they could be afforded through treaties...Unlike all other Canadian women, native women on reserves do not have the protection of property division laws.

Honourable senators, perhaps my colleagues from Quebec could listen to me.

The Hon. the Speaker: Honourable senators, Honourable Senator Carney is having difficulty proceeding because of conversations taking place in the chamber.

Senator Carney: They have special status in the Senate.

Ms Lockhart Lundberg continues:

Bill C-49 contains two provisions which are particularly worrisome for native women.

First, it states that rules and procedures regarding the use, occupation and possession of land upon the breakdown of marriage will be determined by the land codes of each signatory band. There is little assurance that these future provisions will be any less tilted against the interest of women and children than the results of the current system.

Second, Bill C-49 offers band councils Draconian powers of expropriation, which must concern native women as well as other native people living on reserves and non-natives with leasehold interest. The band need give at most 30 days notice to expropriate, and it is obliged to pay "fair compensation" that can be disputed only under rules set by the band itself. A band council will be able to expropriate for "other first nations purposes," not limited to the need to build schools, highways and the like.

She points out that many native women lost their native and band status when they married non-natives many years ago, and that, while they had their status restored following the 1985 amendments to the Indian Act, their father's property was never referred to them, and, under Bill C-49, their land could be permanently lost through expropriation.

It is interesting, honourable senators, that the drafters of this bill spent pages to defend and define the federal government's interest, in terms of expropriation, but a mere paragraph on the expropriation affecting natives and non-natives with private leasehold interests or band interests.

The second issue that I want to raise is the concerns of the non-native residents of Musqueam, dealing with the threat of expropriation which they read into Bill C-49, particularly in the context of their current dispute with the band council over the 7,000 per cent increase in their rents and the plummeting value of their homes, which are forcing some residents to contemplate abandoning their homes. Their fear under this bill is that, since the value of their property has dropped, it could be expropriated by the band, and they will have lost their homes and their life savings.

It should be noted that this issue of the increase in rents is a source of dispute between the former Musqueam chief, Gail Sparrow, and the present chief, Ernest Campbell. This

shows show you just how paralyzing this dispute is. Their dispute was conducted in the pages of *The Vancouver Sun*.

Chief Campbell writes:

Musqueam Park lots were leased in 1965 under 99-year leases negotiated by Indian Affairs. For the first 30 years the tenants paid rents at very low fixed amounts... We have lived up to the terms of these leases, when they were unfair to us. Now that the court has adjusted the rent to a market-based rent, we expect our tenants to do the same.

Chief Gail Sparrow disagrees:

...Chief Campbell, through implication, has insulted the integrity of our elders and those who have passed on by implying that our leaders in 1965 were ignorant or were somehow hoodwinked into agreeing to such ridiculously low lease payments for the first 30 years of the lease. I can assure you that our elders were neither stupid nor ignorant of the market back in 1965, and negotiated the best deal possible under the then market conditions.

These fears that these people have in the face of this kind of dispute have been addressed by Indian Affairs Minister Jane Stewart who has given her "personal assurance that First Nations will not be able to 'abuse' new expropriation powers granted in Bill C-49." She may have good intentions but, as a former minister, I am fully aware that such ministerial assurances, no matter how well-intentioned, do not have the force of law and rarely last after the minister has been moved to other responsibilities.

Let me quote you directly from the residents who are affected by the rent increases in Bill C-49. Their concerns range from the huge lease increases and doubling of taxes, to taxation without representation, to loss of their homes, and the fact that, in any dispute over expropriation, the dispute settlement mechanisms are largely controlled by the band. The fear is that the band could expropriate their homes now that the value has been undermined by disputes over lease fees.

A woman in Ottawa wrote:

As a sister of a family member and Musqueam resident, with whom my 79-year old mother-in-law lives, this issue has become my main preoccupation but can in no way equate with what the residents have been going through. The residents are all consumed by fear.

Someone else wrote me about the terrible implications that the bill will have. Again using her words, she says:

...my neighbours and I are facing a terrible crisis of losing our home at short notice if this Bill is passed...Please vote to incorporate the amendments we need to be protected against the 30-day expropriation that is giving us so much fear and uncertainty. Justice and fairness is important — and should be applied both ways, to natives as well and non-natives.

Another person wrote:

I am a wife and mother and my utmost concerns are for my family, and the tremendous toll this situation is having on them. My neighbours are sick and some are under doctor's care due to the emotional stress our Federal Government has put them under. After 5 years of anxious anticipation this devastating increase has brought us all to our knees.

I could go on and on, but I think I can sum up the views by quoting from Tony Onley, a very famous Canadian artist. I do not normally give the names of correspondents from my mailbag but in this case I know Mr. Onley would not mind. He wrote:

At a Musqueam/Salish homeowners meeting last night I first learnt the extent of provisions and authority given Indian bands in this bill.

As a third party interest holder with a lease, under this Bill, my home could be "expropriated for any reason" on a 30-day notice or less "free of any previous claim or encumbrances"... If my home is expropriated, I would still be responsible for a \$300,000 reverse mortgage.

On the eve of being invested as an Officer of the Order of Canada, I feel I have lost all protection afforded other Canadians. I am now subject to Aboriginal Law.

All I did was buy a house in good faith and woke up in the Twilight Zone.

Honourable senators, let me conclude by saying that, in the other place, in what I consider a shameful act of hypocrisy, government members voted for this bill while sending it to us to be corrected. I hope we can utilize this opportunity. Senator Chalifoux told us that Bill C-49 is a win-win situation for native bands and their municipal neighbours. I am advising you that it will be a lose-lose situation for all Canadians if this flawed bill passes into law without amendment. This is an opportunity for the Senate to do what only the Senate can — with sober second thought, bring in the amendments that protect the rights of all Canadians, male and female, native and non-native.

On motion of Senator Kinsella, for Senator St. Germain, debate adjourned.

• (1800)

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I believe we have agreement on both sides of the chamber, including the independent members who are no longer here, that we would allow all other items to stand on the Order Paper in the number that they are in today and that we could then adjourn the Senate.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

REVIEW OF NUCLEAR WEAPONS POLICIES

MOTION—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Lavoie-Roux:

That the Senate recommend that the Government of Canada urge NATO to begin a review of its nuclear weapons policies at the Summit Meeting of NATO April 23-25, 1999.—(*Honourable Senator Spivak*).

Hon. Mira Spivak: Honourable senators, I no longer wish to have this motion stand in my name. I hope that will be permitted.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I will take the adjournment on that item.

Order stands.

The Senate adjourned until Thursday, March 25, 1999, at 9 a.m.

CONTENTS

Wednesday, March 24, 1999

	PAGE		PAGE
The Honourable Orville H. Phillips			
Tributes on Retirement. Senator Lynch-Staunton	2898	Business of the Senate	
Senator Graham	2899	All Committees Authorized to Meet During Sitting of the Senate.	
Senator Murray	2900	Senator Carstairs	2912
Senator Johnstone	2901	Adjournment. Senator Carstairs	2912
Senator Doody	2901	Senator Kinsella	2912
Senator Cools	2901	Government Services Bill, 1999 (Bill C-76)	
Senator Sparrow	2902	First Reading.	2912
Senator Beaudoin	2903	Senator Carstairs	2912
Senator Fairbairn	2903	Senator Kinsella	2912
Senator Lawson	2904	International Assembly of French-Speaking Parliamentarians	
Senator Forrestall	2904	Meeting Held at Saint-Denis, Île de la Réunion—	
Senator Callbeck	2904	Report of Canadian Delegation Tabled. Senator De Bané	2913
Senator Carstairs	2905		
Senator Prud'homme	2905		
Senator Phillips	2906		
<hr/>			
SENATORS' STATEMENTS			
Kosovo			
Announcement Regarding NATO Air Strikes.			
Senator Graham	2909	Foreign Affairs	
		Air Strikes by NATO Forces in Former Yugoslavia—Possible Action	
		by United National Security Council—Maintenance of Integrity of	
		Montenegro, Serbia and Kosovo—Government Policy.	
		Senator Kinsella	2913
		Senator Graham	2913
Yasser Arafat		Air Strikes by NATO Forces in Former Yugoslavia—Possibility of	
Visit of President of Palestinian Authority to Parliament.		Appearance of Minister of National Defence Before Senate—	
Senator Prud'homme	2909	Government Position. Senator Forrestall	2913
Senator Lynch-Staunton	2910	Senator Graham	2913
		Air Strikes by NATO Forces in Former Yugoslavia—Application	
		of Same Policy in Sudan, Ethiopia and Other Countries—	
Human Rights		Government Position. Senator Lynch-Staunton	2914
Conference on Religious Persecution. Senator Wilson	2910	Senator Graham	2914
Mr. Richard Logan		National Finance	
Welcome to New Senate Mace Bearer.	2910	Committee Authorized to Meet During Sitting of the Senate.	
		Senator Carstairs	2914
<hr/>			
ROUTINE PROCEEDINGS			
Federal Coordinator On Homelessness			
Press Release Tabled. Senator Graham	2911	ORDERS OF THE DAY	
		War Veterans Allowance Act	
Special Import Measures Act		Pension Act	
Canadian International Trade Tribunal Act (Bill C-35)		Merchant Navy Veteran and Civilian	
Bill to Amend—Report of Committee. Senator Stewart	2911	War-related Benefits Act	
		Department of Veterans Affairs Act	
Preclearance Bill (Bill S-22)		Veterans Review and Appeal Board Act	
Report of Committee. Senator Stewart	2911	Halifax Relief Commission	
		Pension Continuation Act (Bill C-61)	
Scrutiny of Regulations		Bill to Amend—Third Reading. Senator Gill	2914
Fifth Report of the Standing Joint Committee Tabled.		Senator Atkins	2915
Senator Hervieux-Payette	2912	Government Services Bill, 1999 (Bill C-76)	
		Second Reading—Point of Order. Senator Lynch-Staunton	2916
Foreign Affairs		Senator Carstairs	2916
Committee Authorized to Meet During Sitting of the Senate.		Senator Graham	2916
Senator Carstairs	2912	Senator Kinsella	2918
		Referred to Committee of the Whole.	2921

Appropriation Bill No. 1, 1999-2000 (Bill C-74)

Second Reading, Senator Stratton 2921

Foreign Publishers Advertising Services Bill (Bill C-55)

Second Reading, Senator Kinsella 2921

Motion to Refer to Transport and Communications Committee—
Debate Adjourned. 2923

Senator Carstairs 2923

Senator Lynch-Staunton 2923

Senator Angus 2924

Senator Spivak 2925

Senator Carney 2925

Senator Tkachuk 2925

Senator Bryden 2926

Senator Kinsella 2926

Senator Graham 2926

Senator Bacon 2926

Appropriation Bill No. 5, 1998-99 (Bill C-73)

Third Reading, Senator Carstairs 2927

Federal-Provincial Fiscal Arrangements Act (Bill C-65)

Bill to Amend—Third Reading, Senator Carstairs 2927

Senator Stratton 2927

First Nations Land Management Bill (Bill C-49)

Second Reading—Debate Continued, Senator Carney 2929

Business of the Senate

Senator Carstairs 2931

Review of Nuclear Weapons Policies

Motion—Order Stands, Senator Spivak 2931

Senator Carstairs 2931



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OFFICIAL REPORT
(HANSARD)

Thursday, March 25, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Thursday, March 25, 1999

The Senate met at 9 a.m., the Speaker in the Chair.

Prayers.

GOVERNMENT SERVICES BILL, 1999

CONSIDERATION IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole on Bill C-76, An Act to provide for the resumption and continuation of government services.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, in accordance with our agreement, I would ask His Honour to leave the Chair and that we resolve ourselves into Committee of the Whole on this bill.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, because of where the chairman sits, I would ask whether it is possible to permit the senators whose seats are behind or too far distant to sit in other seats so that they can be closer to the witnesses, and that they can be seen by the chair. I do not think the rules allow that.

Hon. B. Alasdair Graham (Leader of the Government): It is acceptable procedure, honourable senators.

The Senate was accordingly adjourned during pleasure and put into a Committee of the Whole, the Honourable Peter A. Stollery in the Chair.

The Chairman: Honourable senators, the Senate is now in Committee of the Whole on Bill C-76, to provide for the resumption and continuation of government services.

We have certain witnesses who have agreed to appear before us. Are honourable senators prepared to hear those witnesses now?

Hon. Senators: Agreed.

Senator Carstairs: Honourable senators, I would ask that the Honourable Marcel Massé, President of the Treasury Board, be invited to participate in the deliberations of the Committee of the Whole.

Pursuant to rule 21 of the *Rules of the Senate*, the Honourable Marcel Massé, President of the Treasury Board, and his officials, Mr. Pierre Hamel, General Counsel, Treasury Board Secretariat; and Mr. Alain Jolicoeur, Chief Human Resources Officer,

Treasury Board Secretariat, were escorted to seats in the Senate Chamber.

●(0910)

The Chairman: Honourable senators, it would be appropriate if I introduced the witnesses to the Senate. Mr. Pierre Hamel, General Counsel, Treasury Board Secretariat; and Mr. Alain Jolicoeur, Chief Human Resources Officer, Treasury Board Secretariat.

Senator Kinsella: Honourable senators, I would offer the reminder that it is not necessary to stand in Committee of the Whole, neither the Chair, the witness nor any honourable senator. We can speak from our seats.

The Chairman: Thank you, Senator Kinsella, for that important advice.

Mr. Minister, would you like to open the proceedings?

[Translation]

Hon. Marcel Massé, President of the Treasury Board and Minister responsible for Infrastructure: Honourable senators, as you all know, the government was able to reach an agreement in principle with the Public Service Alliance of Canada late Tuesday evening. An agreement in principle constitutes an important step in the bargaining process, but the agreement requires ratification. The government cannot delay action until the voting results on ratification by the union membership are known. It is still urgent to act in the taxpayers' interest, while respecting the interests of our employees at the same time. This agreement in principle strikes me as equitable and generous, but it does not guarantee an end to the rotating strikes. We had proof of this again yesterday. Unacceptable and unfortunate incidents occurred again yesterday in far too many locations across Canada, marking the worst day in the six weeks of rotating strikes.

We have an obligation toward Canadians. We must continue our efforts to assure Canadians that the services provided by the blue-collar workers return to normal, and that those provided by the correctional officers in the penitentiaries are not interrupted.

In recent months, we have signed numerous collective agreements with more than 87 per cent of our employees. Today, the government is asking you to impose a return to work and a collective agreement on its 14,000 blue-collar workers. We are also asking you to adopt measures that might prove necessary to keep the 4,500 or so correctional officers on the job and to get them back negotiating as soon as possible. Government intervention at this time is urgent.

[English]

Canadians, as much as the government, can no longer accept that passenger travel continues to be disrupted in the country's airports. Neither can we accept that tax and GST collection have become so much more difficult.

Honourable senators should know that more than one million taxpayers will experience delays in their tax refunds because of these strikes. Picket lines and the withdrawal of services have considerably disrupted the operations of National Defence, the Coast Guard and Public Works.

[Translation]

The strike is also affecting our grain exports threatening a major sector of the Canadian economy, our excellent international reputation and our international trade relations. This situation is having a very serious impact on western grain farmers. They can no longer send their grain to foreign markets. Their revenues are ruined once the price of grain drops and they on the verge of planting their fields.

The Canadian Wheat Board has revealed it lost a \$9-million sale and had to let go a number of other potential sales, because delivery was not assured. If Parliament does not authorize the government to force a return to work, we may well lose new contracts on foreign markets. That would mean lost jobs in addition to tarnishing Canada's international reputation in a world where foreign trade is the means to prosperity.

[English]

Mr. Chairman, increased tension on the picket lines has resulted in acts of vandalism and unfortunate incidents. Members of the police force have had to be called in to intervene, and the government has had to resort to injunctions to enforce the law on behalf of all Canadians.

[Translation]

Impasses in negotiations, salary demands, labour stoppages and rotating strikes, interruptions in service, the threat to public safety — for all these reasons, the government is asking you to give it the means to act quickly.

[English]

In the public interest, the government must exercise its responsibilities with concern both for the principles that underlie healthy labour relations and for the sound management of the country's affairs. This is a delicate balance that pits respect for the bargaining process we believe in against the need to ensure the common good.

It is incumbent upon both the government and the union not to abuse the unusual relationship of power they hold within the context of negotiating working conditions in the federal public service.

[Translation]

The dispute between the employer and the corrections officers is of a different nature and represents a danger of some concern for public safety.

[English]

We wish to ensure the safety of the public; however, we also wish to ensure that these employees receive the same benefits as those who have already signed collective agreements.

[Translation]

The bill providing for the resumption and maintenance of government services will put an immediate end to the rotating strikes of the seven groups of blue-collar workers. It will assure Canadians that, should the agreement in principle be rejected, these government employees will still have a new collective agreement. It will also in the end allow the government, given the type of work performed by the 4,500 corrections officers, to impose a collective agreement, should this prove necessary.

The government, like our fellow citizens, can no longer tolerate the work stoppages and their effects on the public and the services provided them by the Government of Canada. I, therefore, ask you to act as quickly as possible in everyone's interest.

[English]

Honourable senators, I am now ready to answer your questions.

Senator Lynch-Staunton: Mr. Minister, I wish to repeat what I have said on previous occasions when similar legislation has appeared before us, that back-to-work legislation is bad legislation. It indicates that the bargaining process does not work. This is the fifth such piece of legislation we have had since 1993. We have had this kind of legislation under previous governments as well. Legislation of this nature seems to be more the rule than the exception. Surely the government shares my view, though perhaps not as strongly.

What is it in the bargaining process that too often results in back-to-work legislation? What is it that falls apart along the route? Are there no corrections possible?

● (0920)

Mr. Massé: Mr. Chairman, in the last two years, 80 per cent of our employees have agreed to settlements that have been negotiated. Therefore, we have managed to agree with a large majority of our employees in terms of working conditions.

I agree with you that the principle of the system we have is one where working conditions should be agreed to between the employer and the employee. I agree that we should have as few pieces of back-to-work legislation as possible. We should only see back-to-work legislation when the negotiating process has not worked, and that should only be in exceptional cases.

In the case of the blue-collar workers, we have a tentative agreement. If that agreement is ratified, almost 97 per cent of our employees will have solved their problems through collective agreements.

We reached an agreement with the negotiators for the 4,500 correctional officers. That agreement was endorsed by the union and the union recommended it to its members. Unfortunately, the agreement was not ratified, by a rather small margin of, I think, 57 per cent.

Apart from those two groups, which, as I said, constitute only 13 per cent of our employees, the system has worked reasonably well.

Some may speculate that games are being played on both sides; in other words, that the union has an interest in finding out whether the 2.5 per cent and the 2 per cent, which have been the norm in these negotiations, is the norm that should continue. Therefore, since we will be in the bargaining process within six months, they may decide to try the system, which means going to the eleventh hour the night before back-to-work legislation is passed, before concluding.

I do not know what the intentions of the unions have been in this process, but they have tried out the process. The government can confirm that the basic agreement of 2.5 per cent and 2 per cent, which we have with 80 per cent of our employees, is the agreement that we will apply with equity across all groups.

Senator Lynch-Staunton: I am sorry that you were not able to tell me that questions were being asked by you as the employer and the labour department to try to find the flaws in the process — unless it is just human nature that cannot be legislated — that could diminish the need for this kind of legislation.

We give the right to do something, and then, when it does not suit us because the right is used to excess by someone's definition, we take that right away. The right to strike is a fundamental right. It is the only significant pressure tactic a union has when the others do not work. The employer has the edge. The employer can simply take that right away when it thinks the employees have gone too far. There is an imbalance in that. It is too heavily weighted on one side.

You mentioned that injunctions have been taken out. I am thinking of the grain handlers on the West Coast. Are any other injunctions being sought to stop disruptive tactics? How far have you gone to get injunctions to stop certain disruptive activities?

Mr. Massé: A number of injunctions have been taken out with regard to the Revenue Canada offices in British Columbia, and that has helped to improve the service. That has not worked as well in the eastern provinces where the law has been interpreted in a slightly different way.

In the case of grain handlers, we tried a number of means, including injunctions. There is a way to bypass those who weigh the grain. However, once that was done, PSAC members formed a line and it was the refusal of workers from other unions to cross

that line that prevented the work from being done. Therefore, an injunction would not have been useful in that case. The only solution is to order them back to work and to prevent them from establishing picket lines.

Senator Lynch-Staunton: Have you tried to get injunctions against employees and supporters gaining access to airports?

Mr. Massé: We did not have much success with injunctions. We tried to get injunctions with regard to some of the penitentiaries and we won the first round but lost the second. This is an interesting point because normally workers apply pressure by withdrawing their services. However, when workers block passengers from reaching an airport, I believe that that is when the line is crossed. It is when the strike is extended to areas like this that we conclude it has gone far enough and it is time to introduce back-to-work legislation.

Senator Lynch-Staunton: However, this law, if passed, will not guarantee that those tactics will not continue, because they go beyond regular strike action. That is the problem.

What are the major differences, if any, between the imposed settlement, the details of which we have, and the negotiated settlement?

Mr. Massé: When we reached the tentative agreement with PSAC, it was agreed that neither side would publicly reveal the details so that the union would have time to talk to its members. In fact, I heard this morning on the radio that PSAC was recommending that its workers accept the agreement that we had initialled a few days ago.

The details are technically not known, but I will repeat those that I heard on the radio, which were revealed by Mr. Bean. He indicated that rather than 2.5 per cent and 2 per cent we have gone to 2.75 per cent and 2 per cent. There is an increase in the basic salary. As well, having changes in the zones gives an advantage to the Atlantic provinces, where the poorest paid workers are located. It brings them up to the level of the sixth province, which I believe is Quebec, in the 10 regions.

Senator Lynch-Staunton: We are asked to evaluate the significance of a tentative settlement, yet we have nothing before us to discuss. However, from what you have just told us, it sounds as though the tentative settlement is more attractive than the imposed settlement. Is that fair?

Mr. Massé: Yes. According to our calculations, the tentative settlement adds about 1 per cent to the settlement that would have been imposed by law. One per cent is not an extraordinary large change, but in terms of these negotiations it is a generous change. We did it because, in this case, it benefited the people who earned the least. That counterbalanced the fact that it increased the cost of the settlement for the government.

Senator Lynch-Staunton: Therefore, it would be fair to say that, if I were a union member, I would support the tentative settlement rather than having imposed on me a less attractive settlement. Is that a fair assessment?

Mr. Massé: Yes, it is.

Senator Lynch-Staunton: If that is so, why the urgency for this law? Why do we not return to the normal situation and await the expected acceptance of the tentative settlement, since the alternative is not as attractive? Am I correct that the vote is to take place next week?

Mr. Massé: The vote will probably be some time next week. However, we can only hope that the agreement will be ratified. There will be a period of time before ratification. During that period, rotating strikes continued. As I mentioned yesterday, they have been the worst in the past 10 weeks. They continue to create problems in the economy. The union has indicated that they will ratify the agreement in a week. However, normally, they have a period of between two weeks and six weeks to ratify. Also, we cannot be sure that they will ratify, so we cannot let the emergency continue.

● (199301)

Senator Lynch-Staunton: I have one last question of a general nature, and it is one that you will not answer. I do not see how rotating strikes, if they are done properly, are reason enough for emergency legislation. I can see where disruptive tactics, which are an extension of rotating strikes, could lead, unfortunately, to what we are looking at today.

Is the right to strike being given too generously? Legislation such as what is before us is always brought in as a result of an excessive use of the right to strike. The fundamental clause in this bill removes the right to strike and tells the workers to go back to work, or else.

Mr. Massé: As you said, I will only comment on your remark. The right to strike is essential to collective bargaining. The vast majority of our settlements have been through collective bargaining. The right to strike is clearly not an absolute. When it is misused, overused, and when it leads to excesses, as I think, unfortunately, has happened in this case, it must be curtailed when it affects the common good. We believe this is what has happened in this case. I refer to the disruptions at Dorval airport, in grain transportation, and so on.

I do not think you have to condemn the right to strike in this case. However, you have to say that if it is abused, it is the duty of the government to deal with the abuse and to operate so as to minimize, restrict or prevent the improper use of the right to strike.

Senator Murray: As Senator Lynch-Staunton has pointed out, virtually every Parliament has been called upon, at least once, usually several times, to act in situations of this kind. We are called upon to end a strike or to prevent a strike or a lockout in the federal jurisdiction when the government makes a judgment call that the national interest is at stake or would be damaged by a continuation of, or by the launching of, an industrial action of some kind.

I think all of us should be alert to see whether new ground is being broken in any way when these pieces of legislation come

to us. We are familiar with bills that provide for compulsory arbitration of a labour dispute. We have had those.

Less frequently, Parliament is called upon to impose a settlement on the parties, but that has happened.

This time, we are being called upon to grant to the Governor in Council the power, effectively, to impose its terms. Just to rub it in a little bit, the Governor in Council will act on the recommendation of the Treasury Board who is the employer.

I cannot recall previous provisions of this kind. I invite you, minister, to cite precedents for clause 7(1) of this bill.

Mr. Massé: There are no precedents. This is a new case. I say that because this measure was tabled for the CXs, into which group correctional officers fall. The workers in this group have been declared essential. The reason for this, of course, is that you cannot have one riot in a prison because it will create problems involving the security of prisoners or the public at large. You cannot let the prisoner guards walk out, leaving the inmates without surveillance.

In this case, there was an agreement to have all the workers in Correctional Services designated as essential services. Through a loophole in the application of the legislation, however, between 500 and 600 of these prison guards were not designated. As a result, there is the possibility of a strike.

In this case we are not removing the right to strike. Technically, the intention was that they would all be designated essential. There is no right to strike in that group.

Yes, in this case we are preventing a right to strike. However, we are preventing a right to strike which, in a way, did not exist except for the use of that loophole in the law.

Senator Murray: That was not my point, minister. The point is that rather than have arbitration to impose a settlement, or rather than come here and place the details of the settlement before Parliament and have us vote on it, you are giving the Governor in Council the power to impose a settlement — as I say, just to rub it in on the unions, the Governor in Council will do so on the recommendation of the Treasury Board. That is the precedent. I hope someone will explore the history of the circumstances of that particular group and the loophole before we are finished here. Those circumstances seem irrelevant to the point I am making. I think it is a bad precedent.

Mr. Massé: On that point, the terms that we would have put in place for the collective agreement for the blue-collar workers themselves were the terms agreed to by the conciliation board report. They were in line with a long list of agreements. As you know, there are hundreds of clauses in these agreements that had been negotiated at some point. Many of them had been agreed to.

On the terms which have not been agreed to, we relied on a recommendation of the conciliation board report. That was not discretionary in the case of the blue-collar workers.

Given that we have a tentative agreement, that means there is a good possibility that the terms imposed will be the terms that will be agreed upon between the employer and the employee.

In the case of the CXs, what we would have imposed and what we may have to impose in the legislation is the terms of the first agreement between the employer and the representatives of the employees. You will remember in the case of the CXs that we had come to an agreement. That proposal was not only agreed to by their negotiators, it was supported by PSAC, and was put out for a ratification vote but was not ratified.

Thus, in this case, once again, what would be imposed is not the will of Treasury Board, but the agreement that was almost ratified but not quite ratified.

Senator Murray: Obviously, I take your word for that, minister. The bill is silent on those matters. I am very concerned about the precedent that we are setting here. I wonder about it, and wonder whether, next time we have a case like this, we will have a similar — or even identical — clause under considerably different circumstances, and the precedent of 1999 and Bill C-76 will be cited to us.

•(0940)

Before I conclude, your statement is that you have accepted the reports of the conciliation board in this dispute. Is that right?

Mr. Massé: For the blue-collar workers, yes, we have accepted it, but this will be superseded if the initialled agreement is ratified, and that agreement is more generous than the conciliation board report.

In the case of the CXs, we did not accept the conciliation board report.

Senator Murray: I am sure you can cite a precedent for that as well, for the government turning down the report of the conciliation board.

Mr. Massé: There are lots of examples. The fact that the union itself refused the conciliation board report on the blue-collar workers is the inverse of our refusing this conciliation report for the CXs.

Senator Kinsella: Senator Murray referred to clause 7, which deals with the general workers. It is my belief, minister, that if this bill passes, the awesome and unprecedented power thereby that will be given to Treasury Board to effectively write the collective agreement and pass it on to the Governor in Council, has thrust a tremendous sword into the midst of the collective bargaining process. There is no third-party intervention.

In previous legislation of this sort, as Senator Murray has pointed out, there was either binding arbitration or Parliament exercised the function and role of the third party by defining the terms and conditions of the new contract.

First, looking at clause 7, because it speaks to a different situation, would you repeat your position as to the general workers and the giving of this power to the Treasury Board to determine, unilaterally, their contract?

Mr. Massé: Senator, I am told that there may be a precedent in the provinces where exactly this procedure was followed. In our case, yes, usually the process has been arbitration. However, we suspended arbitration by legislation in 1996 because we wanted to make sure that the agreements that we had with our workers could not throw out of kilter the new fiscal discipline that we were imposing all across the government. You will remember that we had frozen the workers' salaries for a number of years, and we could not have judgments in arbitration that would contradict that law, which applied to everyone.

In this case, I stated in the Commons — and I am repeating here — what the terms are that the government will impose, so that we do not have the ability to start from scratch and to write a totally new agreement at our discretion.

I would underline, however, that not only do we continue to be in contact with the unions but we continue to have to employ these workers long-term, so the possibility that we could abuse the right to put into place a collective agreement that would be detrimental to the workers or to the unions remains slight. We are constantly in negotiations with our partners, with the representatives of the employees. Indeed, we have already begun the process of renegotiating collective agreements that will expire at the end of May or at the beginning of June. Because we are part of that continuing relationship, while your point is technically correct in that the clause does give the government a discretionary power, this bill is not likely to lead to an abuse of power.

Senator Kinsella: Thank you for that, minister. We now have on the record that this is a very serious and fundamental change to public service labour relations, and it seems to me there is a mitigation by the circumstances in this particular case, namely, the agreement to which you referred earlier affecting the general workers.

Let me now turn to clause 20 in Part 2 of the bill, which deals with correctional officers. That is what you focused on in your answer to Senator Murray.

Think for a moment, Mr. Minister and honourable senators, of this second group of public employees, the correctional officers. There is a separate section of the bill dealing with them. My first question on this is one of principle. Why did you deem it necessary to have two different sections of this back-to-work legislation, one dealing with the general workers and one dealing with correctional officers, as opposed to having a general law applicable to both?

Mr. Massé: For one technical reason: The blue-collar workers have had the right to strike since December 16 and, in fact, have been striking. Therefore, what we needed for them is back-to-work legislation to prevent the effects of the strikes immediately.

In the case of the correctional officers, we knew that they would have the right to strike as of Friday of this week. We have continued to negotiate with these groups because we think there is still a possibility of settlement, not at what they are asking but because, in the case of the correctional officers, we came very close to an agreement before. We knew we could not let them strike, not even for one day, because they are an essential service. At the same time, they were not yet in a position to strike, and we are always taking into account the fact that there could be an agreement. Therefore, the clause that we put in there is that we may apply the act to them by Order in Council. If something happens, we must be able to react immediately to prevent them from walking out.

Senator Lynch-Staunton: For clarification, when you talk about the possibility of correctional officers walking out, are you talking about the 4,700 or the 738 who have not been designated?

Mr. Massé: I am talking about the 500 to 600 who, through the application of that loophole, have the right to strike. However, obviously, once they go out, how much support there will be from the others, whether they will refuse to cross the picket lines and so on, we do not know, and we must be in a position to prevent them from striking at all.

Senator Lynch-Staunton: If you are designated part of an essential service, you must report for work, picket line or no picket line. Is that not correct?

Mr. Massé: Principally, yes.

Senator Lynch-Staunton: Why would you infer that if the 600 or 700 went on strike, the other 4,500 would not report for work?

Mr. Massé: First of all, just the 500 to 600 going out would cause considerable problems. We cannot let them strike. They are all designated essential services because they are all necessary.

•(11950)

Senator Kinsella: Let us be very precise about this issue.

First, how many correctional officers are we discussing at Corrections Canada?

Mr. Massé: There are 4,500.

Senator Kinsella: How many of those 4,500 are already designated "essential service"?

Mr. Massé: That 4,500, minus 500 to 600.

Senator Kinsella: Therefore, there are 4,000 correctional officers who have been designated as "essential service." In other words, they may not walk off the job or strike, et cetera. Where are they designated as "essential service"? What instrument defines that?

The Chairman: While the minister is consulting, I should like to remind Senator Kinsella that we have about 10 minutes left.

Please be conscious of the fact that Senator Lawson also has a question.

Senator Kinsella: What is the reason for the time limitation?

Senator Stollery: I believe that the minister must leave at about ten o'clock.

Senator Kinsella: The minister has a bill for which he is responsible and we are just beginning our study of it. What do you mean by saying that the minister must leave?

Senator Carstairs: Senator Kinsella has known about this limitation of time and the honourable senator agreed to this yesterday.

Senator Kinsella: We agreed that officials will stay behind.

Senator Carstairs: That is correct, and the officials will stay behind.

Senator Lynch-Staunton: Some of us are not familiar with the plan. The minister must leave at ten o'clock, and we respect that. The officials will stay behind in order to respond to questions of fact and background material, but not policy. How long can they stay? We do not want to impose on them, either. They have other responsibilities also.

Senator Carstairs: They will stay for a reasonable length of time.

Senator Lynch-Staunton: If that is convenient with them, that is most satisfactory to us.

Mr. Massé: All 4,500 employees are, in principle, designated. At present, 4,000 are designated as "essential service." You must send them a letter within a certain period of time, and so on. At present, these 500 are not designated. During the last few weeks, even some of the prison guards who were designated as an essential service found it either too hard or too difficult, or whatever, to cross the picket lines. When picket lines were set up by blue-collar workers, a number of prison guards joined those picket lines. The result has been considerable delays, for example for the prison guards who were inside the prison being replaced by their people.

In other words, we have already had difficulties because of this and the CX union has indicated that as soon as they had the right to strike they would use it.

Senator Kinsella: I will come back to this matter with the officials later. I now have a policy question for the minister.

The Chairman: First, I wish to permit Senator Lawson to ask a few questions.

Senator Lawson: To follow what has been said already, instead of this backward piece of legislation, why not have one small piece of legislation designating the other 600 as essential services?

Mr. Massé: If you were to try to pass a piece of legislation at this point, it would be too late; they have the right to strike on Friday.

Senator Lawson: When did you discover that they were not designated essential?

Mr. Massé: The problems about the designations are still ongoing. A few weeks ago, we had an agreement about two institutions where there was a concentration of about 300 workers. At that point, it was so clear that we would have to impose back-to-work legislation right away that the union agreed to exempt those 300 guards immediately. However, they have not agreed to exempt the other 500 to 600. Although we have been continuously legislating, it has become clear that, for these, it is not the law that we must change. In fact, we must prevent those who have the right to strike now from striking. We had to use the back-to-work legislation for the 500 to 600.

Senator Lawson: You dramatize all these incidents that have taken place with rotating strikes, and so on. The negotiations are divided into two parts: prior to the settlement and after the settlement. How many rotating strikes are taking place today, after you have agreed to a settlement? Are there any?

Mr. Massé: Yesterday was the worst day of the rotating strikes.

Senator Lawson: When was the tentative settlement made?

Mr. Massé: The settlement was made the day before yesterday. The worst day of striking in the 10 weeks took place the day right after the settlement was initialled. Today, I am just being informed, all the penitentiary establishments in Quebec have been picketed. In other words, we did not get an agreement. The union refused to give us an agreement that there would be no rotating strikes after the agreement, and they have been true to their words.

Senator Lawson: You had negotiations but you could not get an agreement from the union that they would recommend a settlement. Is that what you are telling us?

Mr. Massé: No. We asked, but they refused to stop the strikes until ratification.

Senator Lawson: Has it occurred to you that that would be an easy response for the union to make in the face of this legislation that is hanging over them, which puts them down anyway.

Mr. Minister: I negotiated contracts in my career for 40 years. We never left a set of negotiations without giving a commitment that we would recommend a settlement. Almost without exception, we achieved the settlement. You are coming into negotiations and you are saying to the union, "We are negotiating in good faith to recommend and make settlements, but we just happen to have in our hip pocket the toughest piece of legislation ever created. It has never been done before, but we are dropping the hammer on you just as protection and insurance for us that you will vote correctly."

If I were part of this negotiation, I would tell you to go to hell and say to you, "How dare you challenge the integrity of the organization and not negotiate in good faith?" What you must consider, Mr. Minister, is not this settlement. You are talking about future negotiations with all departments of the government. As a long-time experienced negotiator, I can tell you that you are tearing down any hope of ever having bargaining in good faith when you say that this is how you will deal with it.

It is one thing when you do not have a settlement. However, when you have an agreed-upon settlement, how dare you strip workers of their legal right to strike when you do not need the legislation? How dare you do that and use it? If ever there were a case that cried out for no legislation, this is it.

You heard this morning that the union will recommended to their members that they accept it. You are putting future negotiations with the government at risk with this kind of tactic, to pound them into settlement merely for the comfort of knowing — in case they do not ratify it — that you can drop the hammer on them. I think you are making a serious mistake, and I say to you that you have no business bringing in this legislation now. At best, suspend the legislation pending a settlement. Wait and see if the union answers in good faith and makes a settlement and votes to ratify the settlement, and then talk about what you are going to do. They moved from the usual six or eight weeks for settlement and ratification and have said that they will do it in one week. If that is not an act of good faith, what does it take to convince you?

Suspend the legislation. Do not bring it before us. There are some circumstances in which I would support it. However, I cannot support this legislation when you have a negotiated settlement between the parties.

Mr. Massé: Mr. Chairman, there are at least 20 questions in there. The union clearly believes what we believe. The proof is that it has not prevented them from negotiating with us. We have an agreement that was initialled two days ago. The union knew what the reaction of their members would be. This is why, when we asked them if the strikes were stopped or could be stopped, they said "No." They were honest. Yesterday has proven that they were right.

In the case of the CXs, we have had an agreement that was agreed to with the negotiator and recommended by the union, but it has not been ratified. They know exactly what can happen, namely, that it may not be ratified. We need back-to-work legislation because, first, there is a transition period between the time when the agreement is initialled and the time of ratification; and, second, no one — not even the union — can be sure that it will be ratified, because in the case of one of the two unions under the bill, in one case it was not ratified.

•(1000)

The situation is clear. We do not dream in technicolour. We know the facts and the union knows the facts. We know that we must stop these strikes right now. Otherwise, there is absolutely no way of knowing that the public will be protected.

Senator Lawson: The simple answer is to then come before us and say, "We, as a government, do not agree with free collective bargaining because there are some risks, and we want insurance that there will be no such risks in the future." Come forward and strip all of the workers of their bargaining rights. At least be honest about it up front. You want to guarantee that there will not be any incidents. That is what you are doing, piece by piece.

This is not a perfect world, and that is part of the price of free collective bargaining.

The Chairman: Honourable senators, it is ten o'clock, and I am informed that the minister must leave us.

Senator Lynch-Staunton: Minister, may I ask one last question to be sure I understand you properly?

Did you say that the correctional officers' negotiating team had agreed to a settlement, that it had been sent for a vote, and it lost? Is that correct?

Mr. Massé: Yes.

Senator Lynch-Staunton: Then it went to conciliation, and you turned down the conciliation report.

Mr. Massé: Right.

Senator Lynch-Staunton: If this bill is passed, is it your intention to impose on the correctional officers the originally agreed to settlement between both negotiating teams?

Mr. Massé: If we cannot improve it by negotiation. The answer to your question is "yes."

Senator Lynch-Staunton: Then why not put that in the bill so at least correctional officers will know, as do the other affected workers, exactly what is awaiting them?

Mr. Massé: We have told them that. We have made that public.

Senator Lynch-Staunton: It is not in the bill. In the bill, you can do anything you want.

Mr. Massé: We do not want it in the bill in case the contracts we now have are successfully renegotiated.

Senator Lynch-Staunton: It could be worded in such a way that the originally agreed to settlement could be built upon. At least the affected people would know what they can get, whereas the bill tells them now that Treasury Board and the government can do anything they want. We are getting assurances, but those assurances are a long way from being written into law. I think there should be some assurances.

Mr. Massé: The fact that we gave those assurances during the debate is, I think, quite public and clear, and they indicate what

we intend to do. In this case, we thought we had to leave ourselves some margin for manoeuvring.

The Chairman: Honourable senators, I know that the minister has to leave. On your behalf, I thank him for having been here this morning. We do have other witnesses.

Senator Kinsella: Mr. Chairman, I have a few questions for the officials.

Getting back to the process for designating employees in the public sector as an essential service, would you describe for honourable senators the process provided pursuant to the Public Service Staff Relations Act and other instruments? In particular, how has this applied to the correctional officers in question?

Mr. Alain Jolicoeur, Chief Human Resources Officer, Human Resources Branch, Treasury Board of Canada Secretariat: When there is a decision that an employee must be designated as essential for the operation, the process is to notify them through a formal letter of notification. That is basically the policy.

Senator Kinsella: Where is the authority to designate?

Mr. Jolicoeur: It flows from the act. If there are discussions or disagreements, the Public Service Staff Relations Board makes the decision.

Senator Kinsella: Is a list of designated employees published?

Mr. Jolicoeur: I am not aware that it is published. I am aware that both sides have a list, and the employees need to be notified by a formal letter. I am not sure if it is published. I do not think so.

Senator Kinsella: The bargaining agent will know who has been designated as essential, and the employer knows who has been designated as essential.

Mr. Jolicoeur: That is correct.

Senator Kinsella: In the process of designation, if there is a dispute between Corrections Canada and Treasury Board on the one side and the bargaining agent on the other, that matter in dispute is submitted to arbitration; is that correct?

Mr. Jolicoeur: It is submitted to the PSSRB for decision. It goes first to a designation review panel and then to the Public Service Staff Relations Board.

Senator Kinsella: Would we be correct in understanding that there is a third-party process involved in the designation as an essential service?

Mr. Jolicoeur: Yes.

Senator Kinsella: What are the numbers in the correctional officer categories for those who are not designated as an essential service and those who are designated as essential?

Mr. Jolicoeur: Although all employees would have been designated, they did not all get their designation letter in time because there is a process of time for delivering those letters. There is another series of problems. I understand, with new jobs being created. People move from one job to the other, and there is some administration involved in the designation process to ensure that all of those new jobs are properly designated and that all employees get their letter in time. There were problems with that administration, and not all of those things were done in time.

Senator Kinsella: When did the process begin? What is the nature of the public administration process to which you refer?

Mr. Jolicoeur: It has to do with the actual assurance that all of the new jobs are accepted as being designated, and also the physical process of delivering the letters to employees in time.

Senator Kinsella: When did you say the designation process began? Was it two years ago, three years ago or last week? When, *grosso modo*?

Mr. Jolicoeur: I am told the process began in early 1997.

Senator Kinsella: That is two years ago, roughly.

From the employer's standpoint, and particularly the representation of Corrections Canada, how many correctional officers does it take to secure a safe and appropriately managed corrections service?

Mr. Jolicoeur: I do not know. I do not manage Correctional Services, but I understand that all of their jobs were to be designated. That was, I believe, accepted by the other side.

Senator Kinsella: In terms of the negotiations at Table 4, were you participating at that table?

Mr. Jolicoeur: Sorry?

Senator Kinsella: The negotiations with the correctional officers was at Table 4; is that correct?

Mr. Jolicoeur: Yes.

Senator Kinsella: Were you participating at the table?

Mr. Jolicoeur: I was not at the table, but I was definitely involved in the negotiating process.

Senator Kinsella: Could you advise honourable senators what the government's or employer's final offer to this group of employees was when negotiations broke down at Table 4?

Mr. Jolicoeur: When you talk about the negotiation process, we, indeed, had an agreement with the other side at the table that basically provided for salary increases over a two-year contract of 2.5 per cent for the first year and 2 per cent for the second year, with the provision of an additional step on top of each salary range.

Senator Kinsella: What was the recommendation of the conciliation board?

•(1010)

Mr. Jolicoeur: The decision at conciliation is basically the tentative agreement that had been reached, plus four elements. To my recollection, those elements include, first, an agreement on training; second, a study on comparability between the salary of the correctional officers and the RCMP; third, an additional step at the top of each salary range, and, fourth, a removal of the bottom step.

Senator Kinsella: What is the difference between the offer at the table and the recommendation of the majority decision of the conciliation board?

Mr. Jolicoeur: In terms of payroll, the agreement that we reached at the end of the two-year period represented an increase of 7 per cent overall, while the conciliation board report implementation would represent a cost of approximately 10.5 per cent at the end of the two-year period. Therefore, the comparison stands at 7 per cent to 10.5 per cent.

Senator Kinsella: Does that mean a spread of 3 per cent of the payroll.

Mr. Jolicoeur: That is a 3 per cent spread in the payroll, yes.

Senator Kinsella: Mr. Chairman, honourable senators needed to determine the difference between the two sides. The officials have been very helpful in telling us that it stands at about 3 per cent.

My policy question relates to the question that Senator Murray was asking. That is, when the state uses its power to impose a settlement, it has the effect of impeding the exercise of a collective bargaining right. Canadian values accept that when we interfere with a right, that impediment must be minimal.

If the difference between the parties is only 3 per cent, as we are told, would it not be appropriate then to have this bill amended to recommend that the report of the majority opinion at the conciliation board constitute the agreement? What would be your reaction to that proposal?

Mr. Jolicoeur: I would like to offer a point of clarification. When we are talking about moving from 7 per cent to 10.5 per cent, we are talking about an increase in costs of 50 per cent in the bill. The difference between 7 and 10.5 per cent is 3.5 per cent and 3.5 is half of 7 per cent. Therefore, in terms of actual cost increase, the proposal of the majority of the conciliation board would represent an increase of 50 per cent.

We are basically saying that the conciliation board report, if you compare it with the previous agreement, or other agreements with other groups, means spending 50 per cent more money on that group. That is a significant difference.

Senator Kinsella: Mr. Chairman, I wish to ask questions later in relation to national rights. Perhaps other senators have questions.

Senator Murray: Mr. Jolicoeur, I heard Mr. Massé on the radio referring to a loophole that had resulted in these 500 employees not being designated. If I understood your description of the situation correctly, it really is not a loophole, as we understand the word "loophole." My interpretation of what you said is that there was some kind of administrative snafu; is that the case?

Mr. Jolicoeur: The case is that those letters were not all delivered in time. Although there is an agreement that all of those jobs should be designated, and the law would provide for that designation, there is a way for those jobs not to be designated if all of the steps are not followed properly. That is the situation in which we find ourselves.

Senator Murray: When you say the letters were not delivered in time, can you help me on that? Must a letter be sent to each employee?

Mr. Jolicoeur: I am told that the PSSRB asks the employer to deliver a letter to each of those employees so designated.

Senator Murray: I suppose a copy would be sent to their bargaining unit.

Mr. Jolicoeur: Yes, they have the list.

Senator Murray: You also said that some new jobs were created, and they somehow escaped the designation; is that the case?

Mr. Jolicoeur: From a designation perspective, the public service is a moving target. New jobs are created. There is constant organizational and structural change. There is a need to ensure that this strictly regulated process is allowed to follow with the changes that are occurring in the public service. Therefore, there are actions that must be taken when there are changes so that those lists of designated employees get updated and letters can be delivered to employees.

Senator Murray: It is the job that is designated, not the person; is that correct?

Mr. Jolicoeur: Yes, it is the position that is designated.

Senator Murray: Therefore, someone forgot or, at least, did not get around to designating a number of new positions that were created as successor positions to previous positions; is that what happened?

Mr. Jolicoeur: That is one part of the problem, yes.

Senator Murray: Who are these people, Mr. Jolicoeur? Are they what we used to call "guards," are they cooks or janitors? What are they?

Mr. Jolicoeur: Are you referring to Table 4?

Senator Murray: I am talking about the 500 who somehow escaped designation.

Mr. Jolicoeur: They are prison guards.

Senator Murray: They are all prison guards? How could those jobs have been changed; a guard is a guard, is a guard. You may call it a custodial officer now or a counsellor or something but changing the title does not change the job.

Mr. Jolicoeur: The fundamental driver in the public service is the position. Each position has a number and that becomes the basis for the process. Position A, B, C or D or position 1, 2, 3 or 5. When new positions are created or new position numbers given to existing positions, a process must be triggered for those positions to be designated.

Senator Murray: If it was decided that you needed five new guards at Joyceville or somewhere, it is possible that those five new guard positions escaped designation?

Mr. Jolicoeur: That is one case. I do not speak for the organization, and I do not know the exact details. However, it could be reorganization or creation of structure, moving one group to another. There could be any number of administrative actions that would mean the creation of new positions.

•(1020)

Senator Murray: I will not belabour the point, Mr. Chairman, but are all the positions which escaped designation those of guards?

Mr. Jolicoeur: That is my understanding.

Senator Murray: And they are spread across the country rather than being concentrated in one or other of the institutions?

Mr. Jolicoeur: Yes, at the moment they are spread across the country. As the minister indicated, we had a high concentration in two institutions, but that has been resolved with the union.

Senator Murray: Treasury Board is responsible for the Public Service Staff Relations Act. What steps are being taken to ensure that this situation does not happen again? You told us that there was an agreement between the union and the employer that all positions in Corrections Canada would be designated.

Mr. Jolicoeur: Yes, that all prison guard positions would be designated.

Senator Murray: That was the agreement, yet somehow 500 of them were not designated. I see the problems that would arise therefrom.

Whose fault is this, and what have you done to ensure that it does not happen again? There must be some changes in your administrative procedures that will be necessary.

Mr. Jolicoeur: We are discussing the process with everyone involved so that this situation does not occur again.

The Chairman: Honourable senators, the two officials from the Treasury Board were not scheduled to be here at this time. I say that only because the representatives of the union are waiting. We should take that into consideration and conclude this portion of our considerations expeditiously. We do not want to offend the representatives of the union, who were told that they would be appearing this morning.

Senator Lynch-Staunton: Are we working under a deadline? Are we expected to stop at noon? If need be, can we not continue this process in the afternoon?

Senator Carstairs: There is no constraint other than the fact that Senator Kinsella thought we could conclude by 11:15.

The Chairman: I am not suggesting that we are operating under a deadline.

Senator Lynch-Staunton: If I understand correctly, two guards could be working side by side in the same penitentiary, under the same working conditions, receiving the same pay, with one being designated and the other not. It is as ludicrous as that?

Mr. Jolicoeur: I understand that that is currently the case.

Senator Lynch-Staunton: How long has this been going on?

Mr. Jolicoeur: I do not know how long it has been going on. The administrative changes that have occurred in the last couple of years took place at different times. It was not one action but a series of actions.

Senator Lynch-Staunton: It will continue for quite some time, I gather.

[Translation]

Senator Lynch-Staunton: I would like an overall assessment of the government's salary policy. There is talk of increases of 2.5 per cent the first year and 2 per cent the second.

Mr. Jolicoeur: That is right, following the collective agreements, the increases are 2.5 per cent and 2 per cent.

Senator Lynch-Staunton: Is that cast in stone or is it a base that can be added to? Are there not collective agreements with salary adjustments of over 4 per cent?

Mr. Jolicoeur: There are two main differences. In certain instances, we had difficulty keeping people, and for the computer people there were additional increases. That is the biggest difference. The other major difference in numbers lies in the case of groups where an agreement was signed with the Public Service Alliance, which was covered by the pay equity complaint. This demand by the union and our agreement with these groups resulted in much larger increases.

Senator Lynch-Staunton: In the case of the Royal Canadian Mounted Police and the Canadian Armed Forces, it was announced in the budget. In other cases, there were increases greater than 2.5 per cent and 2 per cent, is that not so?

Mr. Jolicoeur: The Royal Canadian Mounted Police and the Canadian Armed Forces are not covered by collective agreements and are not employees of Treasury Board.

Senator Lynch-Staunton: Who are the negotiations conducted with, then?

Mr. Jolicoeur: It is not a bargaining process in their case. The increases are set by the government. In the case of the Armed Forces, a new balance had to be struck between them and the public service. It led to additional increases.

Senator Lynch-Staunton: To come back to the increases of 2.5 per cent and the 2 per cent, when it is all over, perhaps we will be seeing on average increases much higher than these two figures. Perhaps 3.5 per cent and 4 per cent. With all the agreements signed to date and with the enactment of this legislation, we assume it will be the end of negotiations until the others begin. What will the increase in payroll be for the two years we are talking about?

Mr. Jolicoeur: It will be just over 2.5 per cent and 2 per cent, given the exceptions made for the predominantly female groups in PSAC. As for the computer science people, it is very difficult to hang on to them and the increase will be a bit higher than 2.5 per cent and 2 per cent, given the demand for higher salary increases for women.

Senator Lynch-Staunton: My last question has a political element and, if you do not wish to reply, I will understand. The government gave its managers, its deputy ministers and so on, hefty increases of up to 20 per cent in certain cases, in addition to bonuses. What was the reason for giving this category of employees increases so much larger than those given staff at lower levels?

Mr. Jolicoeur: Thank you for asking that question because it will give me a chance to clarify matters. Over a four-year period, members of the public service's executive category received increases of 7.96 per cent, which is less than the salary increases given all the groups discussed here and much less than the salary increases already signed with PSAC. For Table 1, for example, over a two-year period, these increases will not be as high, and they will be even smaller four years from now because there will be another round of negotiations with the groups just mentioned that will take us — you will understand if I am not more specific — beyond the 7.96 per cent that members of the executive category got.

Senator Lynch-Staunton: What is this four-year period?

Mr. Jolicoeur: It began in 1997, after the freeze.

Senator Lynch-Staunton: From 1997 to 2001, and at the end of 2001, the increase over these four years is 7.96 per cent.

Mr. Jolicoeur: Yes, for members of the executive category.

Senator Lynch-Staunton: The unions will use this argument. The response can be that their increases during this same period of time, if they are all approved, will exceed 7.96 per cent.

Mr. Jolicoeur: In certain cases, they will already have exceeded this after two years. They will quickly put the increase of certain members of the executive category into perspective. We gave you the average increase for members of the executive category, for cadres.

[English]

Senator Lynch-Staunton: What do you consider "cadre"? How far down does it go, or from where does it go up?

[Translation]

Mr. Jolicoeur: The 7.96 per cent figure includes positions at the EX-1 level. In general, the director level varies from one organization to another, and can go up to the DM-3 level, which is the highest deputy minister level in the public service.

Senator Lynch-Staunton: There are deputy ministers, and associate deputy ministers, or there used to be.

Mr. Jolicoeur: There are three deputy minister levels, and then there are the associate deputy ministers, which are EX-4 or EX-5, followed by the directors general, at EX-2 or EX-3, and the directors, who are generally EX-1. Over four years, total increases for them all gives us 7.96 per cent.

Senator Lynch-Staunton: How many are in this executive category?

Mr. Jolicoeur: Between 3,000 and 3,500.

[English]

• (1030)

Senator Forrestall: While I do not know where to find this wording in the bill, I understand that its purposes are to require a return to work and to ensure that there shall be no withdrawal of services for any reason. Is that correct, more or less?

Mr. Pierre Hamel, General Counsel, Treasury Board Secretariat, Legal Services, Department of Justice: Could the honourable senator repeat the question? I did not understand it.

Senator Forrestall: I do not know specifically where to find this in Bill C-76 but it is my understanding that the bill requires a return to work and bans completely any withdrawal of services, under certain conditions and until certain other things have happened. Is that correct?

Mr. Hamel: The two parts of the bill are very similar, one to the other, and prescribe an immediate return to work and immediate maintenance of services. In respect of Part 2, for the Correctional Services officers, the coming into force of that part is not immediate on the passage of the bill, but is on proclamation by Order in Council. Part 1 would come into force 12 hours after the bill is given Royal Assent, and that applies to the blue-collar groups. Part 2 comes into force only on

proclamation by order of the Governor in Council. What comes into force, therefore, are the provisions, if we take Part 2 of the bill, for example, that are set out in clauses 16, 17, 18, and following.

Senator Forrestall: I have been through all of that. That does not mean very much because, if you miss an "and" or a comma, you have lost the whole sense of it. What I am concerned about is the situation that arises where competent authorities within the bargaining agencies determine that a workplace is not safe. What protection is there for the men and women who withdraw their services under that kind of a directive? Is there provision in here to allow people to walk away from work if it is not safe?

Mr. Hamel: There are provisions in the Canada Labour Code which deal with health and safety and which apply to the public service, and they are not replaced by the provisions of this bill.

Senator Forrestall: This bill does not supersede those provisions?

Mr. Hamel: No.

The Chairman: I would just like to remind honourable senators that we have witnesses waiting from the Public Service Alliance of Canada.

Senator Kinsella: Mr. Chairman, I should like to make two comments. First, we are not too far off schedule. However, we have all learned that we do not operate this place on the basis of exact science. In terms of prediction, it is usually my principle to speak as a historian rather than a prophet. That having been said, I do not think we will be too far off.

I wish to get some comments from you on the issue of national rates, the issue that relates principally to the so-called blue-collar workers in Part 1 of the bill. It is my understanding — please correct me if I am wrong — that the tentative agreement will reduce the number of rates across Canada from 10 to seven. Is that correct?

Mr. Jolicoeur: We are moving to seven.

Senator Kinsella: It is my understanding that the bargaining agent at the table was seeking to have just one national rate. Is that correct?

Mr. Jolicoeur: Yes. We have now reached a tentative deal for seven zones but they were aiming, at the beginning of the process, to have only one.

Senator Kinsella: It is therefore the government's view that there should be different rates across Canada for blue-collar workers. Why, in your view, would this only apply to blue-collar workers? Why would you have variable rates across Canada for blue-collar workers working for the Government of Canada, depending on where they work, when that is not the situation for those who are not blue-collar workers?

Mr. Jolicoeur: Speaking as an official, I believe that there is a need for more regional adjustment than we have right now. I do not know what the policy of the government will be. However, at the moment, the policy is that we need those regional rates. As you may be aware, we have had to make other regional adjustments for other groups, such as very recently for the RCMP out west. We have done that for the lawyers in Toronto. It may very well be in the future that there will be a need for other regional adjustments.

People are very quick to say that there is a need to increase the salary allocation in some regions because the cost of living is higher, but once they have done it, they are quick to point out that it is unfair because it has not been given to those where the cost of living is lower. There is a policy decision to be made here. Everyone is in favour of paying more when there is a need for more, but they do not agree with paying less when there is a need for less. There will be a need to study that in the coming years.

The Chairman: Honourable senators, I believe that our witnesses are finished. We thank them for appearing and for staying on to answer questions.

With that, I would ask for the next witnesses, Mr. Daryl Bean and Ms Nycole Turmel.

Pursuant to Order of the Senate, Mr. Daryl T. Bean and Ms Nycole Turmel of the Public Service Alliance of Canada were escorted to seats in the Senate chamber.

The Chairman: I am told, Mr. Bean, that you will be making a statement. Please proceed.

Mr. Daryl T. Bean, National President, Public Service Alliance of Canada: Mr. Chairman, senators, first I wish to express our appreciation to honourable senators for this opportunity to appear before you. I certainly wish we were doing it under different circumstances. I believe this is my third occasion to make a presentation of this nature.

We will have a short statement which will be shared between myself and Ms Turmel, our National Executive Vice-President.

•(1040)

Shortly after 11:30 p.m. two nights ago, Treasury Board President Marcel Massé started parliamentary debate on Bill C-76, to provide for the resumption and continuation of government services, by saying something to the effect that the agreement reached between the alliance and Treasury Board a few hours earlier proved Treasury Board's respect for, and commitment to, free collective bargaining. I wish to assure the honourable senators that it does no such thing.

While an agreement was reached at the eleventh hour between the alliance and Treasury Board covering 14,545 blue-collar PSAC members, it was the eleventh hour of an exceedingly Draconian legislative process, and not the eleventh hour of negotiations. During this round of negotiations between Treasury Board and the PSAC, the Table 2 negotiating team met.

Treasury Board has consistently refused to take the legitimate aspirations of our members seriously. Despite compelling evidence showing a serious and widening wage gap between our blue-collar workers and people doing identical work in the private sector, Treasury Board appeared before an independent conciliation board and tabled wage increases of 2 per cent and 2 per cent over two years.

In January of this year, PSAC blue-collar workers said, "Enough is enough," and launched a legal strike in an effort to convince Treasury Board to take their issues seriously. After nine full weeks on the picket line, the government introduced back-to-work legislation that would have imposed terms and conditions that were far worse than the inadequate proposals it had tabled with our negotiating team less than two weeks ago.

Understandably, facing the imposition of a package of woefully inadequate terms and conditions of employment, our negotiating team had to consider the government's eleventh-hour proposals and has agreed to recommend the package to our striking blue-collar workers.

Honourable senators and all Canadians should understand that while this chain of events will result, if ratified, in a collective agreement rather than legislatively imposed terms and conditions of employment, it is a fundamental distortion of the concept of free collective bargaining.

By definition, free collective bargaining can never include legislatively imposed terms and conditions of employment or the threat of legislated wages and working conditions. By definition, free collective bargaining can never exist when a government can use its majority to dictate — as it has tried to do in this case — the duration of the contract.

While the powers of employers exceed that of workers in nearly every negotiation process, the ability of government employees to legislate is an affront to any notion of free collective bargaining. PSAC members employed by the Government of Canada — general labour and trades, general services, hospital services, ships crews, heating and power, lightkeepers and firefighters — understand this only too well. For 14 long years, the bargaining relationship between the alliance and Treasury Board for the workers represented at Table 2 has been frustrated by government interventions that have been designed to control, restrain and freeze wages, erode employment security and, yes, even renege on signing collective agreements.

Two groups, namely the ships crews and hospital service workers, last negotiated a collective agreement in 1985, some 14 years ago. When these agreements expired in December 1987, a decade of legislated interventions began with the Government Services Resumption Act in 1989. There were six — let me repeat that: six — separate legislated collective agreements, collective agreement extensions and legislated provisions overriding parts of the collective agreement for these groups and all alliance members that followed. Is it any wonder that public service workers are frustrated and angry?

While we could spend a considerable amount of time revisiting this sorry record, PSAC members from both the blue collar and correctional groups want you to hear their anger, their contempt and their frustration with the government's negotiating position and its ultimate recourse to punitive and highly offensive Bill C-76. Those senators and, indeed, all Canadians interested in the legislated assault on federal public service workers can review our comments on Bill C-49, the legislation that ended the 1989 hospital service and ships crews strike; and on Bill C-29, the legislation that ended the PSAC general strike in 1991.

To hear the President of the Treasury Board talk, the Table 2 strike created an unprecedented national emergency. During last Thursday evening's emergency debate on the movement of grain, the minister accused alliance strikers of holding, "Farmers hostage in the western provinces, taxpayers hostage in the case of Revenue Canada, and travellers hostage at Dorval airport." I might ask: Who is being held hostage? In an appalling display of arrogance and insensitivity, the minister used the word "hostage" six times in an attempt to cloud the issue and lay blame on PSAC members, who are amongst the lowest paid workers in the federal public service.

During the debate in the House of Commons on Bill C-76, I heard a number of members utter the word "shame" when the minister attempted to defend his government and his personal involvement in the events that led to his government's legislative assault on PSAC members. I also say, "Shame." Shame on the minister 14,545 times — on behalf of each and every blue-collar worker represented by the PSAC! I say "Shame," again, on behalf of the 4,700 correctional service officers. Shame for your failure to negotiate in good faith over the past two years; shame for introducing back-to-work legislation for our Table 2 members; shame for introducing pre-emptive back-to-work legislation for our Table 4 members; shame for the minister's, and his government's, inability and unwillingness to comprehend the working conditions that our members endure on a daily basis; and shame for his complete disregard for the statistical data showing an alarming wage gap between our blue-collar and correctional service workers and their counterparts in the public and private sector across Canada.

•(1050)

On the record, I wish to go further and question the integrity of the President of Treasury Board. I do not do this lightly, but the fact is that the minister has provided information to the public and to Parliament throughout the current round of PSAC negotiations that is, at best, designed to mislead.

Consider the following: The minister has maintained, and continues to maintain, that his government has established a 2.5 per cent and 2 per cent wage-increase pattern; that it has negotiated with the overwhelming majority of federal public-sector workers, including more than 100,000 PSAC members.

The President of the Treasury Board knows that that is not true. He knows, for example, that the settlement on behalf of the 90,000 PSAC members in the program and administration group included a special pay adjustment.

Honourable senators, if there was any doubt about him knowing, I refer you to a Treasury Board Web site printout, entitled "Setting the Record Straight — PSAC Negotiations."

This document shows that in fact the vast majority of workers in that group received between 10 and 20 per cent overall, not 2.5 per cent and 2 per cent.

The President of the Treasury Board must surely know as well that our negotiators arrived at a negotiated settlement for 10,000 members of the general technical group that included a pay increment of 4 per cent in addition to the 2 per cent and 2 per cent wage increases. It did not say 2.5 per cent and 2 per cent, but 2, 2 per cent and 4 per cent.

It does not end there. There are other examples in the unionized federal public service. Senior public service executives received 4 per cent to 19.35 per cent increases. Members of the RCMP, judges, military personnel, all received compensation, courtesy of the President of the Treasury Board, that exceeds 2.5 per cent and 2 per cent and, in the majority of cases, many times that amount.

The President of the Treasury Board's misrepresentations when it comes to wage settlements are bad enough; however, they pale when compared to his distortion of the PSAC Table 2 strike and the entirely suspect and untested assertions with regard to the impending Table 4 strike.

[Translation]

Ms Nycole Turmel, National Executive Vice-President, Public Service Alliance of Canada: Honourable senators and all Canadians need to understand the fact that 728 Correctional Service workers will be in a legal strike position as of one minute past midnight on March 26, 1999. This fact is a result of a conscious and voluntary decision of his government and not a result of some inexplicable "administrative error."

You heard me right. I said conscious and voluntary decision.

While administrative errors and incompetence resulted in a large number of Correctional Officer positions not being properly designated, the government pre-empted a Public Service Staff Relations Board hearing scheduled for this week to determine whether these positions would be designated or not by inviting the Alliance to negotiate an agreed-upon list of designated and non-designated positions. During this process, Treasury Board agreed to a list of 728 positions that would not be designated.

Let me make this perfectly clear, 728 non-designated positions.

Why did the government do this? Unless the government was deliberately engaged in bad faith bargaining, when it voluntarily agreed to a substantial list of non-designated CX positions, it had to have concluded that a strike that included 728 non-designated positions would not adversely affect the safety and security of Correctional Service Officers, inmates within federal penitentiaries or the Canadian public.

How then can the President of the Treasury Board explain the statement in his news release dated March 24? And I quote:

Moreover, Correctional Officers have yet to reach a collective agreement and will be in a legal strike position as of March 26. Work action by Correctional Officers has the potential to seriously affect the safety and security of those working and living in correctional institutions as well as all Canadians.

How can he explain his repeated comments during House debate on Bill C-76 to the effect that a Correctional Officers' strike was an emergency waiting to happen?

How indeed other than admit that the negotiation process he initiated on behalf of his government was a fraud?

How indeed other than to admit that the signature of his legal counsel — approved at the most senior levels of Treasury Board — was worthless?

How indeed other than to admit that he was prepared to negotiate and sign anything because he knew that he could use procedural motions and his government's majority in the House of Commons and the Senate to nullify his agreement prior to legal strike action?

I have in my hands the list of 728 non-designated Correctional Officer names and position numbers, and I challenge the minister to write each one of them and explain how he could, in good conscience, remove their fundamental right to strike in such a capricious and cavalier way.

I would like the President of the Treasury Board to explain, as well, what his actions with regard to designations of the CX Group, and particularly his pre-emptive back-to-work legislation, mean for the future.

As many senators know only too well, government workers who are denied the right to strike by legislation have access to binding arbitration, a third-party process designed to provide a measure of impartiality and fairness to groups of workers who are unable under law to exercise the fundamental right to strike.

During this round of negotiations, the government, on the recommendation of the Treasury Board, suspended the arbitration route for most public sector workers, including the CX group and they are intent on doing it again for the upcoming bargaining round.

The Treasury Board President's actions indicate that he, his government and a majority of the current Parliament are unwilling to allow even a limited strike by correctional service officers. That being the case, he and his government must surely acknowledge that a third-party process is the only fair way to resolve the current dispute.

And, as luck would have it, the majority of an independent panel — a conciliation board — established by the Public

Service Staff Relations Board that heard both the union and the employer positions in early March 1999 exists and it found the union position on the main issues in dispute to be the most compelling.

In fact, the majority report drafted by Paul G. Gardener, the independent chairperson, and concurred in by PSAC representative Renaud Paquet, calls for one additional increment step in each year of a two-year agreement, in addition to a general economic increase of 2.5 per cent and 2 per cent over the two years.

It needs to be underscored, here, that while the PSAC Table 4 negotiating team unanimously accepted the terms and conditions of employment as outlined in the conciliation board report, the economic increases fall short of what is required to achieve parity with RCMP officers. But again, the majority conciliation board report partially addressed this issue when it recommended that a joint union-management committee be established to "compare the duties, working conditions and wage rates of persons employed in this bargaining unit and those of uniformed RCMP officers and correctional officers in provincial jurisdictions."

Despite being hell-bent on denying correctional service officers the right to strike, as a way of resolving the current impasse, Treasury Board has yet to agree to implement the majority conciliation board decision, and voted against amendments to Bill C-76 to that effect.

In fact, the government's approach to terms and conditions of employment at Table 2 and Table 4, as reflected in Bill C-76, is completely different. In the case of Table 2, a complete package outlining terms and conditions of employment, was released in conjunction with Bill C-76. This package was subsequently improved and will be submitted to our Table 2 membership for their consideration.

In the case of Table 4, the government has yet to present any substantive indication as to terms and conditions of employment that it is intent on imposing, other than a few rhetorical observations from the President of the Treasury Board that he will impose terms and conditions of a tentative agreement that was rejected in January 1999 along with an unspecified part of the conciliation board report.

Honourable senators should understand that if this is the government's true position, it is not only an insult to the majority of correctional service officers who voted to reject the tentative agreement, but an affront to the negotiating team and everyone who believes in democratic decision processes.

To be clear, notwithstanding the President of the Treasury Board's perception, the negotiating team recommended acceptance of the tentative agreement, because it believed that the package, while economically inadequate, was better than taking its chances at a third party.

This decision is easily understood given that the three members of the Table 2 conciliation board had just rendered individual reports, none of which could form the basis for settlement — what was, in effect, a no-board report at Table 2 had a chilling effect on the Table 4 negotiating team, precisely because both groups had good wage data and comparisons with the outside sector. And both groups had been subjected to nothing but frustration in their attempt to resolve the issues during face-to-face negotiations.

As well, while the President of the Treasury Board can claim that his government's failed attempt to introduce Bill C-76 on the same day, Friday, March 19, that the Table 4 conciliation board report was released, was a coincidence, such a claim would stretch credibility beyond the breaking point.

The reality is that the Treasury Board would have had advance notification of the contents of the report prior to its release and that Treasury Board officials would have advised the minister. That being the case, the government's actions in drafting and introducing Bill C-76 are also an affront to the independent conciliation board and to the Public Service Staff Relations Board itself.

[English]

Mr. Bean: The irrefutable point is that the government's and the Treasury Board President's chief spokesperson on collective bargaining have spent two years ignoring the legitimate wage demands of some 4,700 correctional service officers. He has ignored reasoned and researched arguments from the Table 4 negotiating team. He has ignored individual members who have written, e-mailed, and faxed him. He has ignored information, picket lines and large demonstrations organized by the PSAC and its component the Union of Solicitor General Employees, its locals and individual members. By introducing Bill C-76, he has consciously ignored the independent advice of a majority conciliation board that considered both positions and found the union's position more credible.

Before closing, I wish to put squarely on the record the fact that the final difference between the union and employer's position on the negotiating table for Table 2 was 3.1 per cent, while the difference between the rejected tentative agreement and the majority conciliation board report at Table 4 was 4 per cent for the correctional officers. I heard the comments earlier about 3.5 per cent of payroll, and that may be right. In the scheme of the government's overall payroll, these amounts are relatively small. Moreover, they are the minimum necessary to reverse the ever-widening wage gap between these workers and their private sector counterparts.

The government's intransigence at the negotiating table, at the independent conciliation board process and during this legislative process is difficult to understand and begs the question, why legislate? Why legislate terms and conditions of employment? Why legislate duration? In the current context, fiscal responsibility cannot answer these questions, nor can any notion

of constructive union management relations. The only motivation, and the true answer, according to the 21,000 PSAC members represented on Tables 2 and 4, is that the government is once again being punitive.

Here again, Bill C-76 proves this point. Since 1991, the PSAC and the entire labour movement have grown accustomed to ever-more-frequent back-to-work legislation with penalties designed to break the union. If the non-designated employees at Table 2 and 4 were fined as per the provisions of Bill C-76, the union and its members would be liable for more than \$10 million per day. Worse still, Bill C-76 allows the government to collect significant fines out of membership dues.

Bill C-76 also obligates the union and each of its officers and representatives of the bargaining agent to notify employees that any declaration, authorization or direction to go on strike given to them before the coming into force of this part is invalid. In other words, the government is directing us as officers individually and as a union to advise our members that the notification we gave them authorizing their strike action is invalid. They had the right to strike, and they exercised that right. It is not invalid. This is not only offensive but would appear, certainly on the face of it, to be a violation of the Charter. If necessary, we will certainly take that one on, too.

Senator Lynch-Staunton: Mr. Bean, welcome, and thank you for your very forceful presentation. Mr. Bean, listening to your forceful voice and strong convictions reminded me that the last time I listened to you was eight or nine years ago when you and 20,000 of your closest friends came in front of this building to say some unkind words about a certain piece of legislation which our government was then sponsoring. Now we find ourselves not much further ahead, I gather, in relations between the government and its employees, as expressed by your frustration today.

•(1110)

No matter what government is in power, back-to-work legislation is simply bad legislation. It confirms, once again, that there is a breakdown somewhere along the line in the normal bargaining process that convinces the employer, which has a big stick, to come to Parliament and ask for the withdrawal of the fundamental right of its employees. That is not a discussion for today, though it is in the back of my mind, certainly.

What strikes me about your joint presentation is that the interpretation of certain events you have given is diametrically opposed to the interpretation given by the minister and his officials only one hour ago. I would hope that before we are through, we can have some reconciliation between the two or perhaps a closer meeting of the minds. If negotiations continue on the basis where one says that is black and the other says that is white, an impasse is inevitable.

As for the bill itself, there is, at present, a tentative settlement that you will take to your members for vote on April 6, I believe; is that correct?

Mr. Bean: Yes, there is a tentative settlement for Table 2, the blue-collar workers, which we will be taking to our membership. We have had some trouble getting the finalized wage rates because it involves some 30 pages of wage rates. Obviously, we cannot ask our members to vote without showing them the wage rates. As of late yesterday, we have been waiting for those 30 pages of wage rates. As soon as we receive them, we will be printing them with a covering document and going out to our membership for a vote.

We had hoped that we could complete that next week. This delay in getting the documents may mean that we cannot complete it next week.

I heard a question about suspending the legislation and not implementing it. If it were to be suspended, we would speed up the vote. We probably could not complete it next week, but very early the following week. The Easter weekend creates a problem. If it is not to be suspended, then we will take probably an extra week to do the ratification. We could speed it up if the legislation was suspended.

Senator Lynch-Staunton: You will be recommending to your members that they approve this tentative settlement. Can you tell us what you know of the tentative settlement and how it compares with the imposed settlement that is before us? Do any features of one make it better than the other, or is it a mix?

Mr. Bean: The tentative agreement is substantially better than the realignment of the zones and the legislatively imposed terms and conditions. The tentative agreement calls for a 2.75 per cent increase in 1997, a 2 per cent increase in 1998, and a 5 cent per hour increase February 4, 1999.

The major change in the position of Treasury Board is in the realignment of the zones and the elimination of three zones. Treasury Board wanted to eliminate a zone that changed nothing because the zone rates are all the same. On paper it would look like the elimination of a zone, but in fact it is nothing.

They also wanted to lump Saskatchewan in with Atlantic Canada. That does not make much sense to us, as there seems to be some spread in the geographic area between Saskatchewan and Atlantic Canada.

The change we were able to negotiate is that Atlantic Canada would roll in with Quebec and that the three Prairie provinces would be rolled together, with one small exception: Banff National Park would be rolled into B.C. The situation was so ridiculous that in some cases the same workers worked one day in B.C. and received one rate of pay, and the next day worked in Alberta and receive another rate of pay. Finally, we have been able to correct that situation. That is why the tentative agreement is much superior to the legislated agreement.

Senator Lynch-Staunton: When you say the tentative settlement is substantially better than the imposed settlement, one can only assume that faced with two, the worker would take the one you will take to them for a vote. One wonders why we have

to carry through with this legislation when the imposition hardly seems necessary.

When we get away from the argument regarding the rights of the worker and the arrogance of the employer, what supports this legislation is the fact that the rotating strikes, legal as they may be, have led to some very unpleasant situations. Yesterday, once again, access to Dorval airport was stopped long enough so that people missed their planes. I am talking about situations with which I am personally familiar. Traffic in downtown Montreal was shut down at the peak hours in the morning. I am aware of the Halifax airport being disrupted. I can understand the frustration of the workers, but they are not helping us in appreciating their problem when they indulge in these excesses, with damage to property and damage to persons. The police must intervene. This, unfortunately, is colouring the whole debate and is putting pressure on Parliament, in order to end these excesses, to pass a bad law. If there were no excesses or limited excesses, I would hope the government would be a little more patient and withhold this legislation. However, the minister responsible for the Treasury Board told us this morning that the rotating strikes and their fallout were more pronounced yesterday than they have ever been. This revelation came after the announcement of a negotiated settlement.

I can sympathize with the minister's argument. I would like you to contradict it if you can, and I know it is impossible to guarantee that all employees will stick to the straight and narrow.

When the minister says that there is no guarantee that this settlement will be passed, that is not as good an argument as the next one. If we suspend the act, there is no guarantee that these excesses will not continue. I would like your comment or that of Ms Turmel on that point.

Mr. Bean: We have already agreed that we will not picket the grain outlets any more so that grain shipments can continue.

It was our intention from the start to inconvenience the Canadian public, the farmers and others as little as possible. That is why we conducted a rotating strike. Had we obviously chosen otherwise, we would have conducted the activities on an ongoing basis, rather than on a rotating and ad hoc basis.

By exercising the right to strike in that manner, we had hoped that we could force the government to negotiate, not legislate. We have had enough experience with legislated agreements. It is unfortunate that in some cases, such as Dorval on two occasions in 10 weeks — which I do not think is excessive — individuals have been inconvenienced. The reality is that if you conducted a strike and no one was inconvenienced or affected, you would be on strike forever. Why would the employer ever talk to you again?

•(1120)

Yes, we had to cause some minimum inconveniences. I know that individuals trying to catch a plane may not think the inconvenience was minimal, but many other strikes, and not always by our membership, have caused people to miss planes.

Senators should understand that there is a very high frustration level, and legitimately so. I am expressing only a small amount of it. Some of you may find my words offensive, and I apologize if you do. However, I am expressing only a small amount of the frustration that exists. Put yourselves in the position of the lowest-paid workers in the federal public service, who have not had a negotiated collective agreement since 1989. Two groups, ship crews and hospital services, have not had a negotiated collective agreement since 1985. They had one imposed by arbitration and one denied while they were on strike in 1991. They have been almost two years at the negotiating table. I cannot imagine that any of you in this house would not be frustrated if you were in that position.

When you make your decision here today, think about workers who have gone for as long as 14 years without a negotiated collective agreement, as well as going a minimum of six years with no pay raise. I believe that that would upset you, too.

Senator Lynch-Staunton: I appreciate all of that, Mr. Bean, and I believe that the other members in this chamber and the Canadian people do as well, although many other Canadians have also suffered a wage freeze.

However, I do not see why that frustration must be expressed at the expense of innocent bystanders. Your dispute is with the Government of Canada. If you want to shut down Revenue Canada by peaceful and legal means, that is fine. However, when your members engage in vandalism and unwelcome demonstrations that entail confrontations with the police, the tenor of the debate is coloured. I am quite sure that if this law is not passed there will be a wave of protestation across the country, although obviously for the wrong reason, that being the excessive disruptions.

Senator Carstairs: Mr. Bean, you said that it was not the intention of PSAC to hurt the grain farmers of Western Canada. Yet, your institutions issued a bulletin on March 12 that said, in effect, that you were going to stop the flow of every kernel of grain in Western Canada. If that were not designed to hurt the grain farmers of Western Canada, what was it designed to do? There are only 70 grain weighers among your 14,500 employees. Why would you target that group?

Speaking of wage increases, when was the last time the farmers of this country received a wage increase? Why did you specifically target these people?

Mr. Bean: First, I have no idea from where you got that statement. It is certainly not one I made. I do not apologize for the fact that I did indicate that on occasion we would picket grain establishments. As anyone who has been involved in labour relations would know, if you conduct a strike and do not put pressure on anyone, you will never end the strike. Yes, on occasion we did target grain and did slow down shipments. I do not apologize for that. We kept that to the minimum possible while still attracting the attention of the government.

Senator Murray: I have a couple of questions about the correctional service workers who ended up being non-designated.

Did either of you hear the discussion we had with the President of the Treasury Board and officials earlier today?

Mr. Bean: Yes, I did.

Senator Murray: The discussion was largely with the officials, as you will recall.

There is a discrepancy between what we were told by the officials and what you have told us today that goes far beyond a difference of opinion or even a difference of interpretation of the same facts. There is a wide discrepancy, and I wish to flag it right now for the benefit of the Leader of the Government in the Senate. In due course, we will rise for lunch, after which we will return here, either to resume as a committee or to proceed to third reading debate. That is not in my hands. However, unless we can obtain some satisfactory clarification with the witnesses, I suggest in the strongest possible terms to the government that the officials return here at two o'clock with a statement explaining the contradiction between what they told us and what we are now being told by the union representatives.

Although I do not wish to make too much of it, we were told by the officials that 500 to 600 employees are not designated. I see the number 728 on page 4 of the document before me. What is the correct number?

Mr. Bean: There are 728 who are not designated. We have the list with the positions.

Senator Murray: Is this the same group of people that we were talking about with the officials earlier today?

Mr. Bean: Yes, and this is an agreement that Treasury Board signed just a few days ago. This agreement calls into question the validity of them signing an agreement on one day, saying that 728 positions are not designated, and then the next day saying that they will not be allowed to strike.

I wish to explain briefly the designation process in the federal government. That process has continuously resulted in more positions being designated than there are people. In Correctional Services, as high as 116 per cent have been designated. That is, of course, because some positions are vacant. If a position is vacant, how can it possibly be essential for the safety and security of the public?

•(1130)

Senator Murray: I was given to understand this morning — and I hope I did not misunderstand — that there was a general agreement that all of the guard positions at Corrections Canada were to be designated by agreement. Is there such an agreement with you or with the bargaining agent?

Mr. Bean: When the review was done in 1997, there was an agreement, based on the positions at that time, which would have resulted in ninety-some per cent, not all of them, being designated.

Senator Murray: The guards?

Mr. Bean: Correctional officers, yes. Subsequently, three things occurred. First, some administrative functions changed, some positions were changed to another position, and some of those were missed. Second, Correctional Services Canada, in a number of cases, forgot to provide the form 13, which is a Public Service Staff Relations Board form, to the designated workers. Third, there were some new positions created which were not included. That is how we ended up with 728 positions which are not designated.

Senator Murray: That is consistent with what the officials told us. The minister talked about a loophole. The officials described something that I would describe as an administrative snafu. What you have said so far is consistent with what we were told. They missed those. You say it adds up to 728 positions.

Mr. Bean: Correct.

Senator Murray: Then you say that they will be in a legal strike position as of one minute past midnight, and you say this fact is a result of conscious and voluntary decision of the government and not as result of some inexplicable administrative error?

Mr. Bean: What I am referring to there is that, on March 22 or 23, Treasury Board's legal counsel signed a document allowing for 728 non-designated correctional positions.

Since I believe we are supposed to be careful with the words we use in Parliament, I will just say that I find it less than honest when on one day you sign a document saying you can live with 728 people not being designated and still provide the necessary services, and then the next day claim through legislation that there will be a catastrophe if these 728 do not show up to work. There is something wrong when such a position is put forward. I will let you decide what is wrong when one can sign an agreement on one day and then claim legislatively on the next day that it will cause a tremendous problem.

I can tell you from my point of view what I believe the government feels is the tremendous problem. It is that they may have to pay some overtime to some other correctional officers who will have to stay at work longer. The problem is not that the penitentiaries will not have correctional officers available. It is not that there will be a riot because 728 people are not designated. The real problem for the government is that it will cost them some money, called overtime. That is the real reason for that provision.

Senator Murray: Are you taking this case to the Public Service Staff Relations Board? You say that the government pre-empted a Public Service Staff Relations Board hearing scheduled for this week to determine whether or not these positions would be designated by inviting the alliance to negotiate an agreed-upon list of designated and non-designated positions. You also say that, during this process, Treasury Board agreed to a list of 728 positions that would not be designated.

Who arranged the Public Service Staff Relations Board hearing on the matter? Was this at your initiative or the government's?

Mr. Bean: Both. We had requested a hearing and so had Treasury Board. What has happened since then is that an agreement was reached between the two parties, and the Public Service Staff Relations Board has accepted the agreement as valid and is not questioning the non-designation of those 728 members. We both had a complaint, for different reasons.

Senator Murray: The non-designation, though, was to last, if I understand this correctly, until there was a determination by the Public Service Staff Relations Board. Is that correct?

Mr. Bean: The Public Service Staff Relations Board has endorsed this agreement between the parties. They are satisfied that it meets the contents of the law and have accepted that there are 728 people not designated.

Senator Murray: And that they need not be designated?

Mr. Bean: That is correct.

Senator Murray: Is that your position?

Mr. Bean: That is our position, yes. As I pointed out, we have traditionally had more positions designated than there are people, so obviously something is wrong with the system. We have been saying that for years. If a position is vacant, then it obviously cannot be essential. We have had positions in other groups declared to be essential for the safety and security of the public on one day, yet the individual will get a layoff notice the next day. Something is wrong with this system.

Everyone has agreed — the union, Treasury Board and the Public Service Staff Relations Board — that these 728 positions do not need to be designated. There is no doubt as to what it means. The service will be provided by the correctional officers. However, it may require — and I emphasize “may” — some overtime.

Senator Murray: Apart from the dynamic of the negotiations that are taking place now and the relationship between the unions and the employer, this would seem to result in the situation that was described earlier this morning, in which one correctional officer would be designated and the person working right next to him would not be designated. In the long term, in principle, correctional officers ought to be either designated or not. Would you not say so?

Mr. Bean: No. I would suggest to you that it is not essential that everyone be designated. With respect to the Table 2 workers, while I am not sure of the figure, somewhere around 40 to 50 per cent of them are designated. It may mean that, in one establishment, they have designated one plumber or one carpenter for emergency services but do not need five plumbers or five carpenters. The same can be true for the correctional officers. They can still maintain service.

Senator Murray: So a sufficient number of them should be designated to protect the safety and security of the public interest?

Mr. Bean: That is correct. I would agree with you that there is something wrong with the process. I think you could all sit here and ask how a position can be essential for the safety and security of the public if there is no one in it. There are about 100 positions in the original group which have no one filling them.

Senator Murray: That satisfies my concerns about the discrepancy. The facts that Mr. Bean has given us are not inconsistent with what we have heard. I believe that what has happened, as sometimes does happen, is that there are quite a few facts that we did not get this morning.

Mr. Bean: Mr. Chairman, I wish to add one thing. We were talking about 1989 earlier.

•(1140)

In 1989, the government made a major mistake in not designating a number of positions, including no one from the ships' crews. Our union, in that 1989 strike, paid per diems and hotel stays for ships' crew members so they could go out and do search and rescue activities, although legally we were not required to do so. The reality is that our members take their jobs pretty seriously. If they are going out to do search and rescue today because they are not in a strike position, tomorrow because they are in a strike position, they will not sit there and let four or five people drown. They do go out. We spent \$400,000 of membership money to maintain essential services, although, legally, there was no requirement.

I want to emphasize that this is not a union that simply takes advantage of all the loopholes or administrative errors. We are still concerned about the safety and security of the public, and we will continue to be concerned.

The Chairman: I wish to remind everyone that we will hear from Viviane Mathieu of the Union of the Solicitor General Employees when the present witnesses have ended their presentation.

Senator Lawson: Mr. Bean, can you help me with my understanding of collective bargaining, as I knew it and understood it before? We heard the minister complaining vigorously about your rotating strikes and the damage and the inconvenience caused. Some of the questions suggested a concern about the inconvenience and damage being done through vandalism and so on.

I get the impression that you are being told that you have the legal right to strike with two pre-conditions: first, that you do not exercise it, and second, that, if you do, you are not to inconvenience anyone.

That leads me to my key question. When Parliament gave you bargaining rights and the right to strike, they gave you the right, on this dispute, to pull out 14,500 public servants. Why did you not act in a modest fashion and just limit yourself to pulling out the 14,500 public servants?

Mr. Bean: I certainly agree with your first summation. We have the right to strike as long as we do not exercise it or, if we

do exercise it, we should not inconvenience anyone. There are not 14,000 members who have the right to strike because in the Table 2 group — this is different from the legislation that you are used to working with — there are designations for the safety and security of the public. I do not remember the exact figure, and I do not want to mislead you, but some 7,000 members did not have the right to strike and have not exercised the right to strike.

We did not pull out the approximately 7,000 workers who do have the ability to strike because we knew that, if we did, this government would legislate them back to work. We attempted to put pressure on the government while limiting the inconvenience to the Canadian public and to the farmers. We do not deny we caused some inconvenience and that some farmers lost some money. I will apologize to the farmers who are losing money; I will not apologize for exercising our right to strike in a way that could get the government's attention. We had hoped that use of rotating and targeted strikes would cause the government to seriously negotiate.

Senator Lawson: The minister said that yesterday was the worst day yet. What is the total number of workers who were out on strike yesterday or on any given day?

Mr. Bean: I do not believe we have exceeded 4,000 workers on any given day. At this time, I cannot tell you specifically how many were out yesterday, but it did not exceed 4,000 workers.

Senator Lawson: It seems that, on the face of it, the union acted responsibly and with some concern for the inconvenience you were creating for others. I congratulate you for that. I am the one who raised the issue of suspending the legislation, because I have great difficulty with it.

During debate in the House the other night, when they were discussing these crippling strikes and injury-causing actions, Minister Massé popped up and said that the strike was neither crippling nor intractable. He is quoted as saying that the government's call to reason had been heard and that a tentative agreement was reached for striking blue-collar workers. The House then gave a standing ovation for that settlement, and properly so.

Why, then, are we here talking about legislation? I suggested suspension of the legislation. Do you believe, with your experience as a negotiator, that with your recommendation for settlement there is a reasonable chance for acceptance by the membership?

Mr. Bean: Under the circumstances, I have no doubt in my mind that the majority of members will ratify the tentative agreement. I have no doubt in my mind about that.

Senator Lawson: I had not heard previously about the penalty of \$10 million per day. That is outrageous, particularly in the face of an agreed-upon settlement. What will be the effect of that between now and the ratification date upon the conduct of your members? Do you think it would be easier to achieve a ratification if this legislation were suspended, or would it be more difficult?

Mr. Bean: It is hard to answer that because I would be trying to speak for 21,000 members. Let me say that it does not assist the process. In reality, our members are frustrated and angry because they have been denied collective bargaining, wage increases, et cetera. I will not repeat it.

It does not assist the process when you have unconscionable fines. The most offensive part of this legislation states that an individual who chooses to defy the law and to appear before the court must face that fine; they have no option. This is not something that I urge on anyone, but even if a member were to say that he or she knowingly defied the legislation and, like most other Canadians, were willing to spend a few days in jail because of a strongly held belief, in this case they do not have that option. They are told that they will face a fine. They will face having wages garnisheed, homes foreclosed, cars repossessed, and the loss of anything they own.

I am not one who disobeys many laws, but there are times when one must defy a law. Even former prime minister Trudeau acknowledged that if you defy a law that you believe is unjust, your purpose is legitimate. Martin Luther King said that one shows the utmost respect for the law when one defies it and is prepared to pay the penalty for defying it.

The fact of the matter is that individuals sometimes, in their own beliefs, want the right to defy a law and are prepared to pay the penalty. This legislation does not allow them to do that.

Senator Lawson: Someone described collective bargaining as being like a marriage. Regardless of what happens on this occasion, you must live together for the long-term future. What does this kind of legislation do to the long-term, good-faith relationship you are trying to develop with the employer?

• (1150)

Mr. Bean: It certainly cannot develop any good faith with either of these bargaining groups. We have reached tentative agreements for approximately 100,000, give or take. While they are not extremely enthusiastic or necessarily happy with those tentative agreements, at least they made the decision that it was acceptable to them.

I do not sit here and say what is acceptable for our membership; democracy says. Our membership votes. I accept the results of the vote. We had a tentative agreement for the correctional officers. The team supported it, the leadership supported it, and 59 per cent of the members said no. That is called democracy, and we live by that.

If the government imposes that same tentative agreement, I would suggest to you that the number will no longer be 59 per cent opposed to it but probably close to 100 per cent, who will not feel very good about having something imposed that the majority rejected.

Senator Kinsella: Do the witnesses have comment on the ILO, the International Labour Organization, and its system of

conventions, particularly those to which Canada is party? This imposition by the state in Canada of a collective agreement, we are told by the minister, is unprecedented, or at least he knows of no precedent. Do you know of any precedent? More generally, what would be the position, in your view, of the ILO concerning this?

Mr. Bean: We have placed a number of complaints in years gone by to the ILO over legislating our members back to work, the denial of collective bargaining, et cetera. Every one of our complaints has been upheld by the ILO. In one case, they even sent a mission to Canada. That is highly unusual. They sent a mission to Canada back in the 1980s and condemned the Canadian government. There has been, I believe, four complaints since 1991, although we have not been involved with them, and all of those have been upheld by the ILO.

The difficulty, of course, is that all the ILO can do legally is give Canada a black eye amongst the United Nations countries. They are not able to impose any penalties or to say anything to the Canadian government, other than in very diplomatic words. They are always very diplomatic about saying you should not do that, you should honour the ILO conventions.

I find it somewhat ironic that a few months ago the government re-endorsed the ILO conventions on free collective bargaining, the right to strike, et cetera. No doubt the ILO will condemn this legislation.

Senator Kinsella: You can think of no precedent for this model of imposition on the free bargaining rights of employees in Canada?

Mr. Bean: There is no precedent with regard to the correctional officers and imposing legislation before they even get the right to strike officially. There is no precedent for allowing the Treasury Board minister to recommend himself, because that is what Governor in Council ends up being. There is no precedent for the minister to determine the terms and conditions of what will be imposed on the correctional officers. There are certainly precedents where Parliament has done that, but none that gave a blank cheque, if I could use that term, to a minister who has a conflict of interest in that he is the employer and he is also the government at the same time, at least as far as we are concerned, in the negotiations.

Senator Kinsella: Effectively, there is no third party overview in this process. For the general workers, for the Table 2 people, we know what the effects will be. There is, in effect, a third party if the agreement is ratified, and it has been negotiated. That is not the case for the Table 4 employees. That is why I tried to draw from the minister and the officials from Treasury Board exactly what they left on the table when negotiations broke down, what was the offer recommended by the majority in the conciliation report alluded to by your colleague, and then what is the difference between them, the spread. Could you articulate that so senators will have clear in their minds how close you were and that we do have a third party recommendation?

Mr. Bean: It also contains recommendations dealing with the elimination of an increment, because these are long-range steps. Our colleagues who will follow us will be able to tell you the number of increments. I think it is 7, but I cannot remember, before a correctional officer reaches their maximum, which is the working level. The recommendation of the conciliation board, when they added one in 1998, is to drop one at the bottom.

There are also a few other important recommendations which the government to date has said they could live with, namely, the letter from the Commissioner of Correctional Services on training, a requirement for more training and discussion at the local level and national level. They have also indicated that they could live with the recommendation of the conciliation board that within three months a joint union/management team be established to study the comparison of the correctional officer's work with the RCMP and report within nine months.

Mr. Jolicoeur has phoned me and has indicated to me that they could live with everything except the 4 per cent incremental increase in 1998 and that they would look for some change with regard to that when the incremental increase is dropped in 1998.

• (1200)

Senator Kinsella: Is it your understanding that if this bill were passed, the Treasury Board, in imposing the new collective agreement, would draft a collective agreement around the lines that you have just articulated?

Mr. Bean: That is certainly the indication. My problem is that I have nothing official on this.

I would remind senators that Treasury Board said that they would live with the conciliation board report for Table 2. When we saw the legislation, it no longer resembled the conciliation board report. In fact, the legislation included six more months with a 1 per cent raise. That is why I have a concern if Treasury Board is given a blank cheque.

Senator Kinsella: Perhaps the bill could be amended in clause 20, affecting the correctional officers, so that we would have a parallel to the clause where there is a tentative agreement. Failing that, the government has this authority, even though it is extraordinary authority. In Part 2 of the bill, if we were to have an amendment that would provide for the tentative agreement based on — indeed, being — the majority report of the conciliation board, is it your view that your membership would ratify that?

Mr. Bean: Yes, I believe they would because the negotiating team unanimously accepted the majority conciliation board report.

We have not had much feedback from the correctional officers to say that this is unacceptable.

I have been in this process before. I know there is some concern about amending the legislation because it will end up

back in the House of Commons, which is about to begin a recess. I would prefer that the legislation be amended because then we will have a guarantee, and it is not a blank cheque.

However, I am aware — because I went through this with Mr. de Cotret here in the Senate — that the Senate can obtain a ministerial commitment to implement the conciliation board report. That you can do. I did it with Mr. de Cotret, and members from the opposite side were very influential in getting a ministerial commitment for the Senate to do that.

Senator Kinsella: We will be exploring that.

Perhaps you could remind honourable senators of the expiry date of the new collective agreement.

Mr. Bean: The expiry date would be June 1999.

Senator Kinsella: A couple of months away.

Here we are, honourable senators, dealing with an unprecedented proposition, totally excluding a third-party element in a dispute and probably running the risk of ILO convention violation. The spread between the parties is not that great. There is a vehicle available to us, namely, a ministerial letter. As well, the contract expires in a couple of months.

Mr. Bean, what harm or risk would the employer assume by not accepting such an approach?

Mr. Bean: The only risk they would assume is an extra 4 per cent pay increase for correctional officers, which Mr. Jolicoeur says is 3.5 per cent at payroll. I guess that is the risk.

Senator Kinsella: If that is what the risk boils down to, we are forced, based upon our Canadian values, to examine the principle that, when a right is taken away from a Canadian, it is justifiable in a free and democratic society only when there is minimal impairment of that right. Looking at it that way, would that 4 per cent constitute a minimal burden or a maximum burden?

Mr. Bean: Given that the economic situation for the government has improved considerably — in fact, it is showing a surplus — a 4 per cent increase for 4,700 people is hardly a maximum burden. I would suggest that it is a minimum burden.

Senator Lynch-Staunton: I wish to return to the concerns expressed regarding ancillary demonstrations to the rotating strikes. I suggest to you, Mr. Bean, that the more rotating strikes there are, the less sympathy your members will receive, no matter how justified their grievances and frustrations. You dismissed these events as being isolated incidents, saying that blocking the airport in Montreal twice in 10 weeks is nothing to be too concerned about, or words to that effect.

I have since had a chance to get a copy of a Table 2 Strike Bulletin, Day 39, which is put out by the Public Service Alliance of Canada. This one is dated March 12, 1999, and reads:

Willow Park, N.S. — The Flying Squad surrounded a busload of employees and prevented a shift from coming in.

Halifax, N.S. — ...At Woodlawn, picketers detained Ships' Crews boarding a bus in preparation for crewing a ship in Shelbourne. They boarded the bus one per hour and at 2:30 p.m., the bus had not departed.

I am reading from a Public Service Alliance of Canada publication, not from the *National Post*.

Saint John, N.B. — Members managed to slow down the operations at the Revenue Canada offices.

Summerside, PEI — For the second day in the row, Table 2 picketers in Summerside shut down the Tax Centre.... Support from Table 1 has been great!

Bagotville, Que. — UNDE Local 10501 walked off the job, jamming up the kitchens as well as the janitorial and transportation services. This had an impact on the unexpected arrival of German tourists who had to stop at Bagotville because of the snowstorm.

They are gloating about that one, I guess.

National Capital Region — Table 2 members shut down Vanier Towers today where several federal government departments are located — Revenue Canada, HRDC, External. Several thousand employees were sent home for the day. Morale was high.

Winnipeg, Man. — On Wednesday, TSO on Broadway St. was completely shut down — a very successful day. On Thursday, members picketed the Tax Warehouse on Weston St., and the Revenue Canada office on Sapon Road...

Edmonton, Alta — Canada Place was again the target of successful picketing. Members extended the hours of the picketing...to prevent deliveries. PSAC President Daryl Bean joined the picket line and talked about the status of Table 2 negotiations. Good morale.

Vancouver, B.C. — Two grain elevators on the Vancouver Waterfront were picketed by Table 2 members working at the Canadian Grain Commission, RCMP Garage and Stores, Pacific and Douglas Border Crossing and Taxation. Both grain elevators are down for the rest of the strike. Each day, members will add another grain elevator on their list of picket locations until all grain coming to the West Coast is shut down!

•(1210)

How do you expect us, after officially sanctioning this kind of behaviour, no matter how bad we feel this law is, not to be convinced that the only way that a stop can be put to these excesses is by passing the legislation into law?

I do not understand why you cannot send out a strike bulletin — this comes off your web page — and give us the same publicity and call a stop to these demonstrations and admit you are losing the sympathy of the Canadian taxpayers. Bad legislation will go through and bad feelings between employer and employees will continue.

Your members, in a sense, are unconsciously responsible, in part anyway, for this legislation being before us. I say that based on this and other strike bulletins, which I have not seen but which, no doubt, have the same flavour.

Mr. Bean: No doubt that information is pretty accurate. With regard to the grain outlets, as we have already indicated, there was an injunction, but we had already stopped before the injunction came in. That was March 12 I believe I heard you say. We had already stopped picketing there and there is no grain shutdown at this time, and has not been since last week sometime.

Yes, we have delayed people going into buildings. Yes, we have delayed PSAC members in accordance with the law, in accordance with Treasury Board's procedures. There is a Treasury Board procedure that says what happens when you encounter picket lines. You should go out and phone your supervisor and ask to be escorted across the picket line. Obviously, we have used it. While some of you may find this offensive, the reality of the situation is that if we cannot bring any pressure to bear on the government by doing that, then you could never resolve a strike.

Very little of what the government has argued is the reason for this legislation. The grain is taken care of now both through a commitment on our part that we will not picket and an injunction. That takes care of that one.

Yes, we have picketed Revenue Canada. We may be picketing them today at some locations. The claim that this is holding up so many returns is not factual. The factual situation is that the returns are up this year from where they were last year.

As I say, you may find it offensive that twice in 10 weeks picketers went to Dorval. I seriously hope that you can understand the frustration and the anger. It is impossible for me to control all of the members. There has been very little violence; not that I could condone violence at any time. In fact, when I am aware of it, I immediately contact the regional strike coordinator to make sure it does not happen again.

There have been some unfortunate situations; however, I hope that you can understand the frustration and anger; not that it justifies violence. I ask you to put yourself in the shoes of the lowest paid workers. I understand why you would raise the question and I respect the question.

Senator Lynch-Staunton: I respect your answer, except I do not think that you should officially recognize some of these excesses by boasting about them and, in effect, sanctioning them.

Senator Stewart: I have quite a different kind of question. If I understood you earlier, you said that remuneration to considerable numbers of your members is lagging behind the remuneration paid in certain parts of the private sector, where ordinary market forces operate.

In which category of employees, in which trade or profession, is the contrast between the public service workers and workers in the private sector most obvious?

Mr. Bean: It is most obvious in the blue-collar workers. It ranges anywhere from 20 to 40 per cent.

The average salary for the tradespeople, the blue-collar workers and the group within that category, is \$14.83. I suspect if any of you have ever hired a plumber, a carpenter or electrician, they did not come to your house for \$14.83. That is the reality.

Firefighters in the Federal Public Service earn approximately \$37,000. Most of the major centres are paying approximately \$50,000. As we have transferred over, through Transport Canada, the airport firefighters to the local airport authorities, we have been getting increases for firefighters and tradespeople in the neighbourhood of 20 to 30 per cent because they are so far behind the equivalent. When they go to the local airport authority, they must bring them up to the equivalent. The lowest increase for this group is probably in the neighbourhood of 15 to 20 per cent, which we have negotiated.

Senator Stewart: This is not exclusively a Canadian problem. I remember the Banking Committee was told over a year ago, in London, that certain sectors of the Government of the United Kingdom had become a training ground for people who, after they had been adequately trained, went off to the private sector to get better pay and perks.

Do you have much of that kind of movement among your people to the private sector?

Mr. Bean: Yes. There is a considerable movement to the private sector. However, given the unemployment situation, there are a number of others who come back in to replace them.

There is another example of not having a pattern of 2.5- and 2 in addition for the technical group. In addition to the 2, 2 and 4 per cent increases in two years, both the technicians and some of the workers in the grain commission got what they call terminal allowances, which ranged in the neighbourhood of approximately \$200 to \$500 a month, because they were having such a problem retaining those workers. The same is true for the computer science people, the auditors and some of the groups in the professional institute. As a result of their significant retention and recruitment problems, they have instituted what they call a terminal allowance.

• (1220)

Senator Stewart: I am raising the question because there was a time when it was thought that a job in the public service was seen as particularly good because the pay was better and the

security was greater. The situation insofar as pay is concerned now seems to be quite the opposite of what it once was.

Are there any considerations in the public employment with which you are familiar that would justify a lower level of remuneration?

I like to tease ministers of the Crown that they are not at the level of vice-presidents of banks, while the Prime Minister is paid an indemnity which would not mark him as highly successful in the business world.

What is really going on here? I ask you: Are there other considerations which would justify a lower level of remuneration in the public service?

Mr. Bean: In the late 1970s or early 1980s a formula called the "Gauthier formula" recommended that public service tradespeople should be paid 90 per cent of the going rate for people outside. His reasoning at that time was that tradespeople in the federal public service enjoyed better job security and that they also normally had year-round work. Obviously, that better job security has disappeared with the alternate service delivery program, which means that there has been a significant amount of privatization and sourcing from other agencies as well.

The pension plan is another reason why some people stay in the federal public service. It is a good pension plan, but it is also a pension plan where workers contribute 7.5 cents of every dollar and that is matched by the employer, 7.5 cents of every dollar.

The reality is that a person working with a private company that would match a 7.5 per cent contribution is also receiving a good pension.

The pension plan is a major incentive for workers staying within the public service, especially for older employees. People know that when they retire, they will have a decent pension.

The Chairman: I thank you both for appearing here this morning.

Mr. Bean: I wish to close by thanking honourable senators. I do appreciate the forthright manner in which you are addressing this matter. I hope that you can understand that I am here speaking for the workers and expressing some of their frustration and anger. I can assure you that if some of them were here they would express it in a different manner than I.

The Chairman: I would ask that we call in the next witnesses.

Senator Lynch-Staunton: While we are waiting for the witnesses, would the Leader of the Government follow up on Mr. Bean's reminder of a similar situation to this one where emergency legislation was being discussed in the Senate. Apparently it was on the eve of a recess for the House, and the then minister, Mr. De Cotret, pointed out that, while he supported an amendment, it obviously would not pass because the House would have adjourned by the time the message reached there.

The Senate, at the time, was satisfied with a letter from the minister, which was the equivalent of an amendment. It did not have the force of an amendment, but it was his word and he lived up to it.

What is missing in this bill is some indication to the correctional officers of what kind of settlement they might expect. The wording in the bill does not address that, it just says that the Treasury Board will decide and the government will pass it. The minister indicated today that the settlement that was agreed to by the two negotiating teams, but turned down by the correctional officers, would form the basis of the final settlement. He hesitated to put that into the proposed legislation because he felt that it would limit his manoeuvring room in the sense that he might be able to improve upon it. This is all in the public record, so he will be abiding by it.

The public record would be even more official if we could get a letter from the minister along those lines. The correctional officers and their representatives would know, should this bill be passed, that it would be passed with a letter accompanying it indicating to them the minimum they could expect from the settlement following the dispute which is going on now.

I ask the minister to bring that to Minister Massé's attention. It would be helpful if we had a document along those lines.

Senator Graham: I do not think we can negotiate here.

Senator Lynch-Staunton: I am just passing along the suggestion and you may pass it on to him, perhaps, over lunch.

Senator Graham: I will take that on.

[Translation]

The Chairman: Mr. Bélanger and Ms Mathieu, I believe you have a presentation. Please go ahead.

Ms Viviane Mathieu, correctional officer: My name is Viviane Mathieu and I have worked as a federal correctional officer for over 15 years. I have worked in the Leclerc, Montée Saint-François and Donnacona institutions. In addition to my job as a correctional officer, I am also a mother and, as you can see, I am a Canadian and pretty nervous about having to make a presentation here. So I hope you will be understanding.

In all the places I have worked, I have encountered critical and dramatic events of all sorts. I have been taken hostage. I have had to intervene with inmates who were dying or covered in blood in all sorts of circumstances. Canada's 4,700 correctional officers have been through the same things.

Mr. André Bélanger, president, Union of Solicitor General Employees, PSAC: I am a CX 2 and have worked in the Correctional Service of Canada for 25 years. I work at the Sainte-Anne-des-Plaines Regional Reception Centre, a maximum security facility that also has a special handling unit, the only one

in Canada for uncooperative inmates. We refer to it as the super maximum.

Correctional officers represent one of the links in the judicial system. Our primary functions are to protect society, and to ensure the safety and security of the institutions, the inmates and the staff.

Correctional officers work shifts, which means they rotate through three different work schedules, morning, afternoon and evening. They are on a 7-3, 7-4 arrangement, which means they work 7 days straight, then have 3 days off, followed by 7 on and 4 off. This means a total of 56 hours a week, plus the overtime they are required to work.

Ms Mathieu: Correctional facilities are miniature cities in which all the inhabitants are criminals, or in other words people who have gone through the legal system, people involved in organized crime, people who are extremely violent. Close to 77 per cent of those incarcerated are there because of crimes of violence. After going through the legal system, and ending up in penitentiary, their aggressive and violent behaviour is unchanged. Yet, we have to work with them daily. We have to deal with people who are rebellious and uncooperative and subject us to threats and all manner of pressures day in and day out. This is the atmosphere in which we have to work every day.

For instance, I have worked in facilities across Canada where we were three correctional officers to an average of about to 100 inmates. We have to deal with pressure from inmates constantly. We run into critical situations regularly.

Mr. Bélanger: We also need to draw to your attention the other risks we face, including the danger of exposure to such diseases as HIV, hepatitis C and hepatitis B. It is an acknowledged fact that the prison population represents a 15 times higher infection rate than the general Canadian population, because of inmates' high-risk behaviour.

By that very fact, correctional officers are at greater risk of contamination when we have to intervene in incidents of aggression or self-mutilation, or when hard-core inmates spit in our faces or hurl urine or excrement at us. Some take advantage of their condition and threaten us with contaminated razor blades or other sharp objects, or bite us. We run the risk of contamination as well during searches, for instance by pricking ourselves on various objects or on improvised tattooing equipment an inmate has just used.

Ms Mathieu: We do not have any such objects here to show you. I do not want to be a sensationalist, but I can tell you that we run into potentially life-threatening items every day.

As for what we said about hepatitis B and C, there are also two corrections officers in Canada who contracted HIV in the workplace from an injury. A number of others are taking AZT cocktails because of exposure in one way or another. There is a huge possibility that these people, too, are HIV-positive. That is what we run into daily.

As professionals, we need to perform our duties while exercising a safe, secure and humanitarian control over an inmate population that is violent and a threat to us and to society as a whole. Through the legal system, society has put these people in prison, but that does not put an end to their violent behaviour. We have to do clinical intervention with them. We have to help them become law-abiding citizens, people who will be able to return to society and exhibit socially acceptable behaviour.

Our jobs seesaw between having to ensure the safety of all, through repression, and intervening positively and proactively with inmates in order to help them become law-abiding citizens.

In our daily duties, we have to work within a variety of legislation, the Charter of Human Rights, the Criminal Code, the Official Languages Act, privacy legislation and so on.

There is also an aspect of highly professional interventions, such as administering CPR, handcuffing prisoners, using chemical gases or pepper spray. We need to respect the Charter and all the rights of citizens in so doing. Inmates do not cease to be citizens. They continue to be citizens even if incarcerated, and they have fundamental rights. We need to be mindful of respecting those rights.

Mr. Bélanger: Finally, our members rejected the agreement in principle because they felt the employer did not recognize the value of work done in such stressful and tough conditions.

We unanimously support the majority report of the Conciliation Board. We consider that the three recommendations on training, proposed rate of pay and the establishment of a joint committee to compare the duties, working conditions and rates of pay of correctional officers with those of the uniformed members of the Royal Canadian Mounted Police, represent a step in the right direction, the recognition of the work we do.

The addition of another level mentioned in the conciliation report has a limited cost, about 4 per cent for all correctional officers, as you heard earlier.

Ms Mathieu: Although we think the majority report of the conciliation board is a step in the right direction, we spoke earlier of money it is true. First and foremost, however, what correctional officers want is recognition of the difficult job they do bravely every day.

We are asking you to amend Bill C-76 to include the majority report of the conciliation board, so that correctional officers will feel respected in a bargaining process that has been so long and difficult for us.

We are imploring you to amend this bill. We are all workers, fathers and mothers. Every day, our working conditions impact on our families, our neighbours, our community. Over the years, those who are near to us have said "Enough is enough." Our working conditions must change. A comparison must be made

with RCMP officers. We are a police force and we want to be treated like one. We thank you for having listened to us and we will be happy to answer any questions.

Senator Kinsella: I thank the witnesses for their very clear presentation. It is important for all Canadians to recognize the fundamental work done by Canada's correctional officers.

This morning, we talked about 728 of your colleagues who are non-designated employees. Could you give us a general idea of who these workers are and what type of work they do?

I work at the regional reception centre. Seven of the 160 officers in that institution will be in a legal strike position. We have the list of designated employees and it is similar to what is to be found in all the other institutions across Canada. How could the fact that seven officers out of 160 are on a legal strike be a threat to society or to inmates?

We would have preferred to settle our dispute before an adjudicator. Unfortunately, the government showed a lack of wisdom. It has known for years that as soon as correctional officers were in a position to strike, it would designate their positions under the Public Service Staff Relations Act. How can we, as workers, have our rights recognized and negotiate in good faith with the employer to find a basis for an agreement? We did not want to go on strike.

We perform important, even essential, duties within Canadian society. Even if you allowed us to strike, we are talking about seven or eight people in each institution, a dozen for certain at other facilities. Since beginning pressure tactics, it was understood that if ever there was an incident in an institution, whether or not we were on a legal strike, we would go in and perform our usual duties. Canadian society can count on us.

Ms Mathieu: We love the work we do, and we have to, to do such a difficult job. Furthermore, we have proved this. We have often let people through a picket line, to let inmates outside, for example.

Senator Kinsella: In your facility, what duties do the seven designated employees perform?

Mr. Bélanger: They are CX-2s, like I am. Some of them may be CX-1s. They occupy control positions or static security positions within the institution, but there are still 160 others to do the work. Almost all of us perform the same duties, with a few exceptions.

Ms Mathieu: We can all fill in all the positions. This does not present any real problems internally. Safety is not at all jeopardized. We would not allow that.

Senator Lynch-Staunton: What training does one need to apply for such positions? Once a person is hired, does the employer provide any additional training to become a correctional officer?

Mr. Bélanger: When I was hired by the Correctional Service, in 1974, Secondary V was required. However, the nature of the work is different now. The minimum education required is still Secondary V for a level 2 correctional officer, or CX 2, but many now have college or university degrees. One of the basic requirements for our work is judgment. Since the prison world is constantly changing, interview techniques have improved. We must now make evaluations about inmates and encourage them to participate in programs, and so on.

New employees have already gained some of that knowledge in college or university. We gained it through experience and training provided by the employer.

We have made many requests for further training. For example, in connection with the Corrects and Conditional Release Act, which was enacted in 1992, I got training in January 1999 on applying the act and its regulations.

Senator Lynch-Staunton: My question was more about post-hiring training. Is there not usually some training, for instance on handling weapons, or on psychology in the prison setting?

Ms Mathieu: To be hired, we have to have completed Secondary V. Then the employer sends us to staff college, where we take a series of courses on weapon handling, restraint methods and so on. This takes six or eight weeks, according to how much experience a person has. Then there might be refreshers and upgrades in the institution. There was much discussion at the bargaining table about training. Often there are no updates. We may have been 20 or 25 years in the Correctional Service, having to administer the Corrections Act and the Criminal Code, but without ever having received proper training. This is why the brief presented to the conciliation board by PSAC contains complaints about this.

Senator Lynch-Staunton: With regard to the matter of the status of the 728 not designated, according to Treasury Board it is an administrative error. We should read: "All your members should have been designated." The minister told us the word "all" should appear and that a letter should be sent to each of the members indicating that they are in designated positions. That is the process. The position is designated, not the individual.

Mr. Bean showed us a document recently signed by the government and the Alliance confirming that the 728 are not designated. He showed us a document, and I have here the 728 names in the positions. There is a flagrant contradiction between what we heard this morning and what this gentleman has shown us and explained to us. What is this about? Are these non-designated indeterminate positions because of a document signed by the employer and the employee or an administrative error? Will these 728 individuals eventually be designated?

• (12:50)

Ms Mathieu: Clearly it is very complex. The agreement Mr. Bean referred to earlier between Treasury Board and the

Public Service Alliance says that these people are not essential to the services to be provided to the public. The agreement was signed a few days ago. As Treasury Board was signing this agreement, it was introducing legislation to say that it had perhaps made a mistake. That is what we understand. It is denying us the right to strike.

As Mr. Bélanger mentioned, there are seven of these people in his facility. I have 212 correctional officers, and about a dozen of them are not designated. They can take certain action during a strike, but it will not have a major impact on the facility's operations. That is the way it is throughout Canada. Treasury Board reached an agreement with the Alliance that these positions were not obligatorily designated. We do not understand. The members find this extremely unfair.

Senator Lynch-Staunton: I can understand how you feel. There was a lack of information from Treasury Board. Why did it not tell us it had signed this document, that the two parties were in agreement, that it had made an error and that it was going to put it right. If it had been honest enough to tell us that it was regrettable, at least we would have had the facts. We were told that the administrative process was complicated, that letters had to be sent out, notice given, and so forth. The process has been going on for three years. Treasury Board officials should come and explain this contradiction to us.

We were told that it was necessary to withdraw the right to strike from those who had not yet exercised it and to add to the list the names of those with the right to strike in order to withdraw that right. The reason we were given was that, if the 728 officers set up picket lines, they would attract the sympathy of their designated colleagues. They work together. Once the dispute was settled, that could cause problems between colleagues. It was suggested to us that the 728 striking officers, even though there are only a few in each institution, would incite those who had to cross the picket line not to do so, although the law requires a designated employee to report for work — picket line or not, strike or not. Do you have any comments on this? Is the government's concern justified?

Ms Mathieu: We are professionals. There have been picket lines for some time. People who had to go into the penitentiary have done their work properly, and then some.

The inmates do not stop being hard to handle just because we are negotiating a collective agreement. In fact, they may be worse. They will focus on that and be even more mouthy with us.

As well, we will not leave our colleagues at work inside in a mess when there are picket lines outside. We have a highly developed sense of duty and of good citizenship. We administer legislation every day. We are aware that, as soon as a person is designated, he or she has to report for work. It is true that there were some delays, but minimal ones. Our people know this. Once they have been designated, they work, they do what has to be done. We do not understand the government. We find this legislation unfair and unjustified. We have always done what had to be done, in an extremely difficult and dangerous job.

Senator Lynch-Staunton: You are asking for the law to include the fact that the report by the conciliation board be applied.

Ms Mathieu: Yes.

Senator Lynch-Staunton: I doubt the government would accept that. We will make the suggestion to them. The government will reply that, if the bill is returned to the House with amendments, there will not be enough time to get it passed, because Parliament is adjourning for two weeks. Would a letter from the minister responsible, giving his assurance that the final agreement of the conciliation board would be a formal commitment on the part of the minister, be sufficient?

Ms Mathieu: Our membership will decide. If Treasury Board wants to sit down again this afternoon or tomorrow with us and agree to having the proposals of the majority report from the conciliation board included in our collective agreement, we will commit to presenting this to our membership. They will decide whether they want to accept it. Judging by my knowledge of my people, I believe they are going to accept.

[English]

● (1250)

The Chairman: We can now start with the clause-by-clause study of the bill. There are no more witnesses to hear from.

Senator Lynch-Staunton: Perhaps we could break now.

The Chairman: I am in the hands of honourable senators.

Senator Lynch-Staunton: Perhaps the minister is picking up on the suggestion that the President of the Treasury Board submit a letter here, along the lines suggested, based on the de Cotret precedent. That might help us to accelerate the process.

Senator Graham: I have already asked that that request be taken into consideration. It is being considered at the moment.

Senator Lynch-Staunton: We should then wait for such an undertaking. It may be easier to get the response.

Senator Carstairs: I suggest we move to clause-by-clause study. Remember, we are only at the committee stage. We can defer third reading until later this day.

Senator Murray: We might want to amend in committee one or another of the clauses. The undertaking or lack thereof by the President of the Treasury Board would be quite relevant to that process. Why not wait until after the lunch adjournment?

Senator Graham: Could you not move an amendment at third reading?

Senator Carstairs: That is my suggestion.

Senator Graham: We can do clause-by-clause study now.

Senator Kinsella: My suggestion is that we adjourn until two o'clock, for lunch, then come back and continue in Committee of the Whole. There may have been developments over that period. At any rate, we would then conclude Committee of the Whole and present the report to the house. We will deal with third reading later on. We have seen sitting here since nine o'clock this morning.

● (1300)

My recommendation is that we adjourn this committee until two o'clock, come back then and continue.

Senator Carstairs: That is not my recommendation, quite frankly, honourable senators. As it has become customary for the other side to propose all their amendments at third reading, I do not know why they are insisting on moving amendments at this particular stage. I can think of no recent experience in which the amendments to a bill have been proposed in the committee stage in this chamber. They have always been deferred to third reading. I think it would make the whole afternoon far more effective and efficient if Bill C-76 were to be called once we reach Orders of the Day, although I am quite prepared to call it at the top of the Order Paper. At that point, honourable senators could introduce amendments and, by then, I would hope that we have an indication from the minister as to whether such a letter is available.

Senator Lynch-Staunton: Honourable senators, the President of the Treasury Board is the one who wants to see the bill passed faster than anyone. Surely, it will not take him all afternoon to decide whether a letter along the lines suggested would be offered. I would hope that between now and two o'clock we will know. Otherwise, he will show an indifference to the Senate, which will not be helpful.

Another hour may allow those of us who have been here since nine o'clock non-stop to come back a little refreshed — and perhaps a little less cranky.

Senator Graham: That might be helpful.

Senator Carstairs: Honourable senators, there are a couple of other things that we must do this afternoon for Royal Assent, mainly supply. My suggestion is as follows: We come back at two o'clock and begin our ordinary process; we then call Bill C-35 and Bill C-74; and we then go into Committee of the Whole and complete Bill C-76.

Would that be agreeable?

Senator Kinsella: Agreed.

Senator Lynch-Staunton: Agreed, thank you.

Senator Carstairs: Honourable senators, we must rise and report progress to the Speaker.

Hon. Eymard G. Corbin (The Hon. the Acting Speaker): Honourable senators, the sitting of the Senate is resumed.

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. Peter A. Stollery: Honourable senators, the Committee of the Whole, to which was referred Bill C-76, to provide for the resumption and continuation of government services, reports progress on the bill and requests leave to sit later this day.

The Hon. the Acting Speaker: Honourable senators, the Committee of the Whole requests permission to sit later this day. Is it agreed?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: In that case, honourable senators, I leave the Chair and the sitting of the Senate is suspended until two o'clock.

The Senate adjourned during pleasure.

The Senate resumed at 2:00 p.m., the Speaker in the Chair.

•(1400)

SENATORS' STATEMENTS

WALL STREET PROJECT

PROMOTION OF PRODUCTS FROM MINORITY COMMUNITIES

Hon. Donald H. Oliver: Honourable senators, I rise today to tell you about a movement that has developed and is working in and for the betterment of black communities in the United States. It is known as the Wall Street Project, and it had its origins in 1968 when the late Dr. Martin Luther King Jr. initiated the Poor Peoples Campaign.

Throughout his career, Dr. King fought for racial equality and economic inclusion. His vision was that no one should be excluded from the opportunities offered by the economic success of the United States.

The purpose of the Wall Street Project, which was announced on January 15, 1997, by the Reverend Jesse Jackson, is to challenge corporate America to open up to minority vendors and end the multi-billion-dollar trade deficit that it has with minorities across America. The project uses the forces of the dollar, along with research and mass coordination, to expand markets for the sale of goods and services to large U.S. corporations by minorities, and to open doors in corporate America to the black community.

Since its beginning, the movement has focused on the Wall Street investment community, the automotive industry centred in Detroit, and the commerce sector in the Midwest, and it is now moving into Silicon Valley in California.

The genius of the message which is being sent to corporate America is in its simplicity: The black and minority communities will buy your products if you invest in, and open your doors, especially in areas of management, to the black community. The example set by AT&T is instructive in this regard. Its next billion dollar bond offering will be co-managed by minority-led investment firms and another \$200 to \$300 million in bonds will be entirely managed by minority firms. This will lead in turn to investment in poor, inner city and urban areas by AT&T.

The most exciting initiative is the most recent one announced by Reverend Jackson. The Wall Street Project is focussing on Silicon Valley and the high-tech industry. Many of the top computer firms have no African-Americans on their board of directors. The project will purchase stock in the top 50 corporations in Silicon Valley with a view to forging a new relationship with the digital community. As Reverend Jackson says, it will provide the movement an opportunity as stockholders to question the management practices of these corporations, to question exclusionary policies.

It is also the intention of the project to utilize churches as the basis to start investment and consumer clubs. These clubs will teach people how to invest wisely in stock purchases, and to end the cycle of debt. The results so far indicate that the project has been successful in expanding the marketplace for minority business by successfully negotiating with corporate America.

Honourable senators, this is a model which could easily be developed in Canada. It demonstrates a win-win situation for minorities and for business. It raises the awareness of business as to the existence of a powerful economic group in the black community as well as opening up access in corporate management for visible minorities in Canada.

NEWFOUNDLAND AND LABRADOR

FIFTIETH ANNIVERSARY OF CONFEDERATION

Hon. Joan Cook: Honourable senators, at the stroke of midnight on March 31, 1949, Newfoundland and Labrador became the tenth province of Canada, and I, at 14 years of age, after an ordinary night's sleep, became a Canadian.

Last weekend, at home in St. John's, I attended and participated in a symposium held by the Newfoundland Historical Society. The President, David Bradley, is the grandson of Newfoundland's first senator, the late Gordon F. Bradley. This was an opportunity for the people of the province to become reacquainted with the circumstances leading up to that watershed in our history.

The idea of joining Canada had its beginning back in 1864, when two representatives, Fredrick Carter and Ambrose Shea, attended the Charlottetown Conference. The decision then was that Newfoundland faced east to Britain and not west to Canada. Confederation was not considered seriously again until after World War II. The world had changed by then, and so had Newfoundland.

So, honourable senators, through a style and process that, I dare say, was unprecedented in recent history, the late Joseph R. Smallwood became the province's first premier.

Honourable senators, celebrating the fiftieth anniversary of Confederation with Canada offers an opportunity to reflect not only on what it means to be a Canadian but also on our contribution to this nation. A tradition of self-reliance and hard work has been handed down to a generation of Newfoundlanders and Labradorians who have applied these skills to harness new opportunities in the global economy, both at the national scene and at home in rural Newfoundland and Labrador.

Worthy of note is that from the wreckage of the 1992 cod moratorium has emerged a new, scaled-down and, ironically, richer fishery, with landings hitting 380 million last year.

We now celebrate 50 momentous years of being Canadians. We have brought our incredible wit and charm, cultural richness and centuries of history. Even this very Parliament of Canada is enriched every day by Newfoundland's union with Canada. Our music, Newfoundland folk songs, is played on the carillon of the Peace Tower. Folk songs were part of the full whole national musical tradition which we brought to Canada, freely given.

Most of all, honourable senators, we have brought our spirit of generosity, grit and determination, which contributes mightily to the greatness of this nation.

So it is with that spirit that, in the Canadian national anthem, we sing, "O Canada, we stand on guard for thee," but in our provincial anthem we sing, "God guard thee Newfoundland."

Hon. Senators: Hear, hear!

CANADIAN INSTITUTES OF HEALTH RESEARCH

Hon. Wilbert J. Keon: Honourable senators, last week, on Wednesday, March 17, the Canadian Institutes of Health Research held its inaugural meeting. Later that evening, I attended a dinner to celebrate the occasion. Assembled there were the country's leading scientists and health professionals.

I was pleased to see that, following last month's tabling of the budget, the government acted so quickly in its appointment of an interim governing council for this very important initiative. The 31 members who make up the governing council are representative of the vast expertise in Canada's scientific and health professional communities.

The establishment of the Canadian Institutes of Health Research is probably one of the most significant events in the field of health since the Canada Health Act. The Canadian Institutes of Health Research is a broad, national coalition that can provide the federal, provincial and regional governments with a solid base of scientific knowledge upon which health policy and planning can take place.

•(1410)

By coordinating and facilitating national research initiatives based on population, epidemiological health and firm science, the Canadian Institutes of Health will provide objective, long-term health-care planning based on scientific research in order to ensure and promote better health for all Canadians.

I urge all honourable senators to be supportive of this important initiative as it takes shape over the next year.

NEWFOUNDLAND AND LABRADOR

FIFTIETH ANNIVERSARY OF CONFEDERATION

Hon. Ethel Cochrane: Honourable senators, as Senator Cook has said, on March 31 the province of Newfoundland and Labrador will celebrate the 50th anniversary of joining in Confederation with the other provinces of Canada.

Along with other senators, I shall be speaking about that event during this afternoon's debate. There will, of course, be ceremonies throughout our province on March 31 to honour this occasion, as well as festivities all over the province during the rest of the year under the banner of Soiree '99.

Newfoundland's doors will be open all year to anyone who wants to join in celebrating the 50th anniversary of Confederation. There will also be a ceremony here on Parliament Hill on March 31, including a performance at eleven o'clock in the morning under the Peace Tower by the performing music groups of Prince of Wales Collegiate in St. John's. The collegiate's performing groups include a concert band, a concert choir, a jazz band, and a chamber choir. Their performance will include some traditional Newfoundland music as well. The performers will later be guests at a reception at Rideau Hall to honour the 50th anniversary.

A WORLD FREE OF NUCLEAR WEAPONS

Hon. Douglas Roche: Honourable senators, I wish to draw to your attention a very unusual advertisement that will appear in the April 5 edition of *Maclean's* magazine, which comes out next Monday. The advertisement to which I refer follows up a 1998 poll by the Angus Reid professional polling organization that showed that 93 per cent of Canadians want a world free of nuclear weapons.

The advertisement is unique, in that more than 1,200 individuals and organizations paid \$30 each to have their name included. They will not receive a tax receipt or tax deduction for their contribution. They contributed because they believe in the message and want the government to hear it. The message contained in the advertisement is that they call on the Government of Canada to give leadership in NATO and at the United Nations to achieve the goal of progress in nuclear elimination.

World military arsenals hold more than 35,000 nuclear bombs, and 5,000 of these are on high alert. There could be no medical response in a nuclear war. Nuclear weapons are weapons of mass destruction. These individuals want the government to give our children and our grandchildren a world free of the terror of nuclear weapons.

The initiative was undertaken by Physicians for Global Survival in Canada in an effort to increase public awareness about the importance of nuclear issues. I commend Physicians for Global Survival and each and every individual and organization involved in this effort.

ROUTINE PROCEEDINGS

EXTRADITION BILL

REPORT OF COMMITTEE

Hon. Lorna Milne, Chairman of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, March 25, 1999

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWENTY-THIRD REPORT

Your committee, to which was referred Bill C-40, An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence, has, in obedience to the Order of Reference of Thursday, December 10, 1998, examined the said bill and now reports the same without amendment, two senators having abstained.

Respectfully submitted,

LORNA MILNE
Chairman

The Hon. the Speaker: Honourable senators, before I call for action on the report, I must bring to the attention of the Senate that the report has an inclusion in it, which is not normally within the rules. It states "two senators having abstained." That is not a proper report, as such. According to *Beauchesne's Parliamentary Rules & Forms*, there is no authority of a committee of the house, when considering a bill, to report anything to the house except the bill itself.

Hon. John Lynch-Staunton (Leader of the Opposition): Send it back, then.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): We cannot proceed with it.

The Hon. the Speaker: I am in the hands of the Senate.

When shall this bill be read the third time?

Senator Milne: At the next sitting of the Senate.

The Hon. the Speaker: It is moved by the Honourable Senator Milne, seconded by Honourable Senator Butts, that this bill be placed on the Orders of the Day for the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Senator Lynch-Staunton: Your Honour, I want some further information. I thought you just told us that the report was out of order. We suggested that it then be sent back, but yet you carried on. I do not understand.

Senator Kinsella: Follow the rules!

The Hon. the Speaker: I simply brought it to the attention of the Senate, as it is my obligation to do when something is not in order and we catch it. It is up to the Senate to decide what to do, however.

Senator Lynch-Staunton: Your Honour, you have said that, in your opinion as Speaker, which we respect, you find this report out of order. You ruled that yourself. Therefore, there is only one conclusion, namely, to send it back to the committee for repairs.

Senator Kinsella: That is right.

The Hon. the Speaker: It was not my intention to rule, because I was not asked to rule. I cautioned the Senate that there is a growing practice of reports from committees being basically against the rules. It is for senators to decide if we wish to have the rules enforced.

Unless I hear another motion, it was moved by the Honourable Senator Milne, seconded by the Honourable Senator Butts, that this bill be read a third time at the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Senator Lynch-Staunton: On division.

Motion agreed to, on division.

THE ESTIMATES 1999-2000

INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES PRESENTED AND PRINTED

Hon. Terry Stratton: Honourable senators, I have the honour to present the fourteenth report of the Standing Senate Committee on National Finance concerning the examination of Main Estimates laid before Parliament for the fiscal year ending March 31, 2000.

I ask that the report be printed as an appendix to the *Journals of the Senate* of this day and that it form part of the permanent record of this house.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(For text of report, see today's *Journals of the Senate, Appendix*, p.1418.)

Senator Stratton: Perhaps I could ask for leave to consider the report now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Stratton: As I said yesterday, in order to take a brief look at the Main Estimates for 1999-2000 with respect to what will be spent in the next fiscal year, the National Finance Committee met last night. The Main Estimates were reviewed to the extent possible in the short time frame. On such short notice, the Treasury Board official could not do much preparation. However, it is our intention to meet in April and May on at least two occasions to examine the report.

At committee last night, we also agreed that we would select certain departments within the budget to examine in more detail. In essence, that is a summary of what we looked at.

•(1420)

Hon. Anne C. Cools: Honourable senators, I wish to underscore what Senator Stratton has said. This is an interim report. The committee will be continuing its rather exhaustive study on the Main Estimates. This interim report was brought forward to facilitate the passage of Bill C-74 later today.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the report?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

SUPREME COURT OF CANADA

ARTICLES REGARDING REMARKS OF SUPREME COURT JUSTICE—NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rule 56 (1),(2) and 57(2) of the *Rules of the Senate*, I give notice that two day's hence, I shall call the attention of the Senate:

(a) to a report of a speech by Supreme Court of Canada Justice Frank Iacobucci on March 24, 1999 by Janice Tibbetts in the *Ottawa Citizen* on March 25, 1999 entitled, "Supreme Court judge defends judicial activism;"

(b) to a report of Mr. Justice Iacobucci's speech of March 24, 1999 by Erin Anderssen in the *Globe and Mail* on March 25, 1999 entitled, "Supreme Court judge rejects proposal to grill nominees — Iacobucci warns against importing U.S. system of selecting jurists;"

(c) to a report of Mr. Justice Iacobucci's speech by Sheldon Alberts in the *National Post* on March 25, 1999 entitled, "Judge defends decisions affecting social policies — Rare Public Speech;"

(d) to the comments of Professor Robert Martin, Faculty of Law, University of Western Ontario in response to Mr. Justice Iacobucci quoted in Sheldon Alberts' March 25, 1999 *National Post* article that:

"He suggests that the court is there like a group of professors who are setting final exams for legislatures, that Parliament is like a student essay to be marked."

(e) to the continuing public commentary on judicial activism in Canada;

(f) to the matter of judges' public statements;

(g) to the principle and concept of judicial independence of Canadian justices; and

(h) to the role of Parliament in these matters.

HEALTH

PROTECTION OF CONSCIENCE OF HEALTH CAREGIVERS—PRESENTATION OF PETITION

Hon. Raymond J. Perrault: Honourable senators, I have the honour to present to the Senate a petition signed by 150 practitioners and students of health and health care in Canada, and concerned citizens of Canada, all being of the age of majority. The petition relates to the protection of conscience in medical procedures.

QUESTION PERIOD

NATURAL RESOURCES

END OF MORATORIUM AFFECTING CERTAIN BRITISH COLUMBIA OFFSHORE OIL AND GAS RESERVES—REQUEST FOR BRIEFING DENIED—GOVERNMENT POSITION

Hon. Pat Carney: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

Today, the media is full of reports about the possible end of a 28-year moratorium on offshore oil and gas drilling, which affects the B.C. coast, the environment, the fisheries and the economic development of the coast.

Six months ago I wrote to Minister Goodale, the Minister of Natural Resources, stating that, in view of recent news reports about the pressure to lift the moratorium, and as a former minister of energy and as a B.C. senator, I would like a briefing on this subject. I copied the letter to the Honourable Lloyd Axworthy, Minister of Foreign Affairs, because this is in disputed waters in Dixon Entrance.

In October, we received a note from the minister's correspondence manager stating that they had received our letter. Five months later, when I did not receive a reply, we wrote the Deputy Minister, a former trade officer of mine, Jean McCloskey, stating that in the absence of any response from Minister Goodale, and since this is hardly a private policy matter, could she arrange a meeting, particularly in light of the coastal communities network conference in April.

In February and March, we made other requests of the office and received no reply.

Recently, on March 19, we received a phone call stating that we would receive a letter from Mr. Goodale early next week which will say that there are no new developments in B.C.'s offshore oil and gas industry and that they have nothing to brief us about.

There have been comments on this matter in the media. Industry groups are saying that there are 20 trillion cubic feet of natural gas and 9.6 billion barrels of oil recoverable off the Queen Charlotte Basin. Since the only person who does not know anything about this, or apparently is not allowed to know anything about this, is this senator from British Columbia, could the minister use his good office to see that this information is forthcoming; or is this some secret deal of the Liberals?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, with the greatest respect to Senator Carney, I am sure it is not a secret deal. I will inquire of the minister and urge him to give you a response at the earliest possible time.

I am not aware of the moratorium being lifted. I know that there are discussions on the East Coast about lifting the moratorium in certain areas in which Senator Comeau would be interested. However, given that the honourable senator is a former minister of trade, a former distinguished president of the Treasury Board, and a former holder with great distinction of many other portfolios in the previous government, I shall urge upon my colleague and other responsible officials to provide an appropriate response at the earliest possible time.

In the meantime, I shall make my own inquiries about any lifting of the moratorium.

Senator Carney: Honourable senators, would the minister not agree that six months is an ungracious amount of time to be kept waiting on an issue that has some importance to the coast of British Columbia? Could I ask you to undertake to your cabinet colleagues that they do not keep members of this chamber

waiting for half a year for information that deals with their regions?

Senator Graham: Honourable senators, whether it is a letter or another event, six months is a long time to be kept waiting.

NATIONAL DEFENCE

EFFECT OF EVENTS IN KOSOVO ON CANADIAN PEACEKEEPERS IN BOSNIA—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, we have gone to war in the last 24 hours. We have not given much thought to Canadian Forces personnel in Bosnia. One of the great dangers facing Canadian Forces in that area is that a war in Kosovo could easily spill over into Bosnia and Canadian troops would find themselves in a shooting war.

What steps has the government taken to reinforce these Canadian Forces units in Bosnia in the face of what can only be described as inevitable and, perhaps, even imminent war?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the events that are taking place in Kosovo could, indeed, have an even more dramatic effect on the Bosnian situation, if yesterday's measures had not been initiated.

•(1430)

I want to assure Senator Forrestall and all honourable senators that our Minister of Foreign Affairs, our Minister of National Defence, their officials, and our representatives in that part of the world are monitoring the situation closely. They are cognizant of the situation of our representatives in Bosnia, in addition to the conditions which already prevailed. I wish to give all honourable senators the highest assurance that every consideration is being given to their safety now and in the future.

POSSIBILITY OF DEPLOYMENT OF LAND FORCES IN FORMER YUGOSLAVIA—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, as usual, we have to get our information from the press. If colleagues want a good and reliable source of information about what is happening in the former Yugoslavia, I suggest that they tune in the BBC. They are not doing a bad job and they are at least 24 hours ahead of us.

As I have said, we learned about Canadian Forces deployments for military operations in Kosovo from the press, not the minister. *The Edmonton Sun* told Canadians that the government was sending 200 soldiers from Lord Strathcona's Horse, 200 from 1st Service Battalion; 34 from 1st Combat Engineer, and aircrew from 408 Tactical Air. The press is now saying that 3rd Princess Pats Canadian Light Infantry are on standby.

What Canadian force ground units are being sent to Kosovo? Are we preparing for a ground war with Serbia?

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, the answer is in the negative with respect to Canada's participation in a so-called ground war.

At this time, consideration of deploying NATO ground forces, including the 800 Canadians to implement the Rambouillet agreement has been put off pending the outcome of the air campaign.

FOREIGN AFFAIRS

**AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—
CRITERIA FOR CANADIAN MILITARY INTERVENTION
OUTSIDE OF NATO INVOLVEMENT—GOVERNMENT POLICY**

Hon. Douglas Roche: Honourable senators, we all recognize that the bombing of Serbia is a grave matter for the world, and certainly for Canada. To the best of my knowledge, since the United Nations began Canada has never taken part in a military action that was not sanctioned by the United Nations. We all know about the ethnic cleansing and slaughters that precipitated this action, but I should like to ask the Leader of the Government in the Senate the following question: What criteria are now established for Canadian government military action outside the United Nations?

We know that there are slaughters in other places, particularly in Africa, where we have not intervened. I think the Canadian people are owed an explanation of what we, as Canadians, will do to strengthen the ability of the United Nations to deal with crises of this kind.

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, Senator Roche has made an interesting observation and one of urgent importance. I had hoped to participate before our break in his inquiry with respect to Canada's membership on the Security Council. I intend to do so as soon as we return. Perhaps this is one of the matters that we can address at that time.

With respect to the situation which exists today, I must observe that Canada stands by its allies in participating in NATO's military actions in Kosovo. We had hoped, as I have said on other occasions, that this situation could be resolved diplomatically through the United Nations, the OSCE, and the contact group. However, we and our allies could not stand by while the current offensive of the Serbian government threatened to result in what can only be termed a humanitarian disaster.

President Milosovich must take responsibility for the current situation. He can stop the current NATO bombing by simply declaring a ceasefire in Kosovo, reducing Serbian security forces in the region to the levels agreed to in October, and committing his government to the agreement proposed during the Rambouillet negotiations. This agreement would provide for Kosovar autonomy within the boundaries of Yugoslavia.

It is important to recognize and emphasize that Canada does not stand alone in these matters. We act in concert with other

nations. In this respect, an appropriate coalition was in place to make a difference in Kosovo. It is regrettable that similar circumstances have not permitted the international community to mount an effective response to problems in other areas, such as in Africa, as alluded to by Senator Roche and others. However, in my opinion, that is not sufficient reason for us not to do something in Kosovo.

Senator Roche: Honourable senators, without being unnecessarily argumentative with the Leader of the Government, whose views I respect, I am not satisfied with that answer and nor, do I think, would many Canadians be satisfied.

Militarily speaking, Canada did stand aside in the case of slaughters in other parts of the world. I ask again: What is the criteria for Canadian military intervention if we are to do it outside the mandate of the Security Council of the United Nations? Is it when a particular number of people are killed or some particularly heinous manner of slaughter is undertaken? Has thought been given to how this action will rupture relations with Russia, which is protesting vigorously against this end run around the United Nations?

Canada campaigned hard for a seat on the United Nations because we wanted to make a difference. Is NATO going to be the determining factor in Canadian foreign policy, or will it be the United Nations?

Senator Graham: Honourable senators, circumstances change. Obviously, it would be preferable to act always under the direction and the umbrella of the United Nations. The Secretary-General of the United Nations himself has approved this action. However, it would be impossible to obtain unanimity within the United Nations or the Security Council given the veto that is held by Russia. Russia indicated, not that they would approve bombing, but that they would act only in respect of any action taken subsequent to Rambouillet under the auspices of NATO and the contact group.

However, I do not think that at any given time we can play a numerical game with how many lives are being put in jeopardy. This is a very grave humanitarian problem. Canada boasts on the world stage of being the best country in the world, and for this reason we do have responsibilities to other nations. We cannot leave it up to the United States, the United Kingdom, or our other allies to do what is, in this situation, the dirty work.

I assure honourable senators that we are very sensitive to the situation and that the decisions were made after very long and thoughtful consideration of the consequences.

•(1440)

I believe at this particular time, Senator Roche and other honourable senators, that we should support this effort. We should support our troops. We should support our pilots, in particular, who are currently engaged in events in that part of the world.

Senator Roche: Honourable senators, I was willing to let seventh-eighths of the minister's last comment go. I do not say that he meant it, but I would certainly not want an indication on the record that I do not support the Canadian Armed Forces in their arduous and dangerous harm's way role. Of course, I do; that is not the issue. The issue is the future of what will be the criteria upon which to build conditions for world peace.

Senator Graham: I accept that.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the minister said that we are trying to solve a humanitarian problem. Can he explain how bombing a sovereign nation and putting civilians at risk will solve a humanitarian problem?

Senator Graham: Honourable senators, if the Honourable Senator Lynch-Staunton has a better solution, perhaps he should come forward with it.

There have been long, hard negotiations through the contact group. There are other countries involved. We are one of 18 members of NATO.

The decision has been sanctioned by the Secretary General of the United Nations. Yesterday afternoon and last night, President Clinton graphically explained the future consequences of not taking action now. I think the action that was taken was the right one. Perhaps it should have been taken a long time ago. We are taking action at the present time collectively with our NATO allies to avert other major tragedies that might evolve in the future.

Senator Lynch-Staunton: Honourable senators, of course I do not have an answer, but I am not satisfied that the correct course of action we are presently engaged in is the right one.

What consequences does NATO expect to achieve by these bombing raids? We are doing this, apparently, to dismantle certain military installations. How will that guarantee that the Kosovars will regain their homeland peacefully and get their homes back? Is that not what we all aspire to accomplish? How will bombing a so-called enemy achieve that goal?

Senator Graham: In a perfect world, we would have perfect answers.

Senator Lynch-Staunton: I am not talking about a perfect world; I am talking about the Balkans.

Senator Graham: The people on the ground in that part of the world, who are more knowledgeable than I — perhaps not more knowledgeable than the Leader of the Opposition — have taken that position, and I support it.

If one looks at a map of Europe to see where that area is situated, one recognizes that the area is a potential time bomb for a more widespread war, the consequences of which would be awful.

Will bombing bring Mr. Milosevic to his senses? Will it bring him back to the table? I do not know. Hopefully, prayerfully, it will.

Senator Lynch-Staunton: They will bomb away, regardless of the consequences.

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—
FAILURE OF PRIME MINISTER TO ADDRESS
CANADIAN PEOPLE—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, the minister informed us yesterday that the President of the United States spoke to the American people concerning this matter, and the Prime Minister of the United Kingdom spoke to the people of the United Kingdom. Would the Leader of the Government in the Senate explain why the Prime Minister of Canada has not personally informed the Canadian people about what is happening in the Balkans, why Canadian Forces have been deployed, and why the matter was not even been debated in Parliament?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the matter was debated in Parliament on a previous occasion. I understand that during Question Period in the other place, where the Prime Minister is the Leader of the Government, he addressed questions on this particular situation.

HUMAN RESOURCES DEVELOPMENT

CHANGES TO EMPLOYMENT INSURANCE ACT—
REQUEST FOR FURTHER PARTICULARS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to a response I received to a question raised in the Senate on February 17 regarding the Employment Insurance Fund, the accumulation of surplus in the fund, and the adequacy of budget reductions and premiums. In part of the response, the government said:

The Employment Insurance Account has been accounted for as part of general government operations since 1986, as recommended by the Auditor General. And under the current system, accumulated surpluses are used temporarily by the government...

Can the Honourable Leader of the Government in the Senate please tell us to what temporary uses the government puts the money from this fund? How long are the funds borrowed? Are they returned, and how much is outstanding?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, obviously that is a question on which I would have to seek counsel and get more information. I will then be prepared to bring forward an answer.

NATIONAL DEFENCE

FIRE ABOARD AURORA AIRCRAFT IN NOVA SCOTIA— GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, I wish to ask the Leader of the Government if he has a briefing note at hand and can tell us what he knows about the fire onboard an Aurora aircraft earlier today?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware of a fire on board an Aurora aircraft. Is my honourable friend sure it was an Aurora aircraft?

Senator Forrestall: It was off the southwest coast of Nova Scotia. Fire broke out in the plane. It overflew Yarmouth and managed to get back to Greenwood. There are no reports that we know of with respect to anyone being injured, but when a fire breaks out onboard an aircraft, it must be a major concern. I thought, perhaps, the Leader of the Government in the Senate might have an update because the incident occurred this morning.

Senator Graham: Honourable senators, I regret very much that the incident occurred and I regret that I do not have an answer. I am not current on this matter, but I will respond as soon as I can.

Senator Forrestall: Will the honourable leader try to give us an answer sometime in the middle of April?

Senator Graham: I will try to give an answer later today.

[Translation]

POST-SECONDARY EDUCATION

MILLENNIUM SCHOLARSHIP FUND—NEW DEVELOPMENTS IN RELATION TO FEDERAL GOVERNMENT INITIATIVES—GOVERNMENT POSITION

Hon. Jean-Claude Rivest: Honourable senators, yesterday, thousands of Quebec students took to the streets in Montreal, Quebec City and elsewhere to protest against the Government of Quebec and the lack of financial resources available to the world of education. They ended their demonstration in front of the office of Mr. Monty, who is in charge of the Millennium Scholarship Fund.

Several hundred million dollars belonging to the people of Quebec are frozen, because the Right Honourable Prime Minister of Canada, Mr. Chrétien, has decided to build himself a monument on the occasion of the millennium and to thumb his nose, in taking this initiative, at the wishes of everyone in education in Quebec. Federalists, sovereignists, the people in universities and colleges, students, professors, researchers — everyone was opposed this initiative, but the prince on a whim wanted it taken.

At this point, no negotiations are being held between the Government of Quebec and the Government of Canada. Several hundred million dollars are available. Will Quebecers get their share of this initiative by the Government of Canada?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Absolutely.

Honourable senators, I am pleased that the Honourable Senator Rivest raised this question. At the beginning of the year 2000, Quebec students will obviously receive their fair share. The \$300 million in scholarships will be paid each year by the Canadian Millennium Scholarship Foundation. It is a way in which Canada can reward deserving students directly in every province of the country.

[Translation]

Senator Rivest: The Minister of Human Resources Development, Pierre Pettigrew, said in a statement a few weeks back that he would examine the issue and contact the Quebec minister of education in an attempt to find a solution. One of the problems is that the Government of Quebec is refusing — on account of its jurisdiction over education — to negotiate with Mr. Monty. Mr. Pettigrew has proposed to act as mediator in order to find a solution. Could the minister tell the honourable senators of any developments in the initiatives of Minister Pettigrew?

[English]

•(1450)

Senator Graham: Honourable senators, I understand that there have been discussions and that Minister Pettigrew has indicated that he would be in contact with the officials in Quebec and the officials of the Millennium Scholarship Foundation.

You must recognize that the Millennium Scholarship Foundation is at arm's length from the government. However, if it would help, Minister Pettigrew would be prepared to have a representative from his department facilitate discussions between appropriate levels. Senator Rivest would know much better than I what level would be appropriate in the Province of Quebec. Mr. Pettigrew would be prepared to facilitate discussions between the Quebec representatives, the loans and grants programs of the Department of Education, or the appropriate department in Quebec, and representatives of the Millennium Scholarship Foundation.

I have spoken to Minister Pettigrew and he has assured me that he would be anxious to do that. Perhaps he has done that already; however, I shall make the appropriate inquiry.

MILLENNIUM SCHOLARSHIP FOUNDATION—CONSIDERATION OF PRINCIPLES ADOPTED BY QUEBEC LEGISLATURE— GOVERNMENT POSITION

Hon. Lowell Murray: Honourable senators, I have a supplementary question on that issue.

Why has the foundation rejected, if they have, the proposition put forward unanimously by the National Assembly of Quebec, under which the existing process in Quebec would be used to pick the recipients of these scholarships, the names put forward and the cheques sent out with the Maple Leaf flag on them? What is wrong with that?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the three principles were put forward, I believe, in the Gauthrin motion in the Quebec National Assembly, and it was adopted unanimously by the Quebec National Assembly last May or June. My understanding is that those three principles can be respected by the legislation that created the Millennium Scholarship Foundation.

Senator Murray: How would that happen; by the foundation delegating the responsibility to the appropriate body in Quebec?

Senator Graham: I do not believe that the foundation would delegate the responsibility to the appropriate foundation in Quebec. It would be up to the foundation itself to carry on those negotiations, as I indicated in my earlier answer to Senator Rivest.

I shall make further inquiries. My understanding is that Minister Pettigrew has indicated that he will help to facilitate discussions between the foundation and the appropriate authorities in the Province of Quebec.

I do not believe that this is as big a problem as we had been led to believe.

Senator Murray: Good.

[Translation]

Senator Rivest: If the three principles of the resolution passed by the National Assembly are respected by the millennium scholarships program, could the minister tell us why Jean Charest and Lucien Bouchard are in total agreement to say that these principles are not respected under that initiative?

[English]

Hon. B. Alasdair Graham (Leader of the Government): I must pursue that further. I am at a loss to understand why they feel the three principles are not being respected when I have been assured that they can be respected by the legislation that created the foundation.

FOREIGN AFFAIRS

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—BASIS OF DECISION FOR INTERVENTION—GOVERNMENT POSITION

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate.

I do not take issue with the fact that something had to be done in Kosovo and that something should be done. We are supporting our troops 100 per cent.

As a result of the deliberations that have taken place, the minister made reference, I believe, to the fact that the decision to become involved was because of the strategic location of Kosovo in the overall structure of things, and this being possibly an area that could explode.

My question relates to something Senator Roche said when he asked on what basis future decisions will be made. Will decisions be based on the human indignities that are taking place, or are decisions made based on a strategic location? Could the minister

enlighten us on how these decisions are made as to when intervention of this type will take place?

I, too, had concerns when we watched Rwanda and other horrors in the history of humanity take place and yet no one acted. Will there be a vehicle to prevent the world from standing by in scenarios such as Rwanda?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I do not think you can focus on any particular point of reference, whether it is humanitarian, or the strategic location of the country, wherever it happens to be in the world.

I believe that NATO's actions are intended to support the political aims of the international community. As I stated, our objective is to help avert a greater humanitarian crisis by ensuring that the Federal Republic of Yugoslavia complies with its obligations. These include respect for a ceasefire, an end to the violence against the civilian population, and full observance of appropriate limits on its security forces, which it agreed to last October. There is also, of course, the objective of encouraging the Federal Republic of Yugoslavia to sign a peace agreement on Kosovo.

SOLICITOR GENERAL

TREATMENT OF PROTESTORS AT APEC CONFERENCE BY RCMP—EXONERATION OF CBC JOURNALIST ON ACCUSATIONS MADE BY PRIME MINISTER'S OFFICE—STATUS OF APOLOGY FROM PRIME MINISTER'S OFFICE TO JOURNALIST—GOVERNMENT POSITION

Hon. Consiglio Di Nino: Honourable senators, my question is also directed to the Leader of the Government in the Senate.

A couple of days ago, the CBC ombudsman came up with a report totally exonerating Terry Milewski of the CBC and his coverage of the APEC situation.

For your information, you may remember that the ombudsman reacted to a letter sent by the Prime Minister's Office under the signature of Mr. Donolo, I believe it was, complaining and making some accusations against Mr. Milewski.

Now that Mr. Milewski has been totally exonerated, could the honourable minister inform us as to whether the PMO, or the Prime Minister or any of his officials, have apologized to Mr. Milewski?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware of that. While the Prime Minister's Office and those responsible may not fully agree with the report, they certainly have accepted it, which I believe is appropriate.

Senator Di Nino: I have a further question on that subject. Would the minister undertake to ask, on behalf of this chamber, as to whether the PMO or the Prime Minister intends to give an apology to Mr. Milewski, which we believe is correct?

Senator Graham: Honourable senators, I always bring Senator Di Nino's representations forcefully to the attention of those who are concerned.

May I use this opportunity and go back to a question that was raised by Senator Forrestall with respect to the Aurora aircraft. I am informed that the aircraft landed safely. It was only smoke.

I am reading the note directly and I recognize the consequences of using it in the way I did.

There were 11 men on board and no one was hurt. More details, if I have them, will be given to you later.

Senator Di Nino: Thank God for that, this time.

Senator Forrestall: I wish to thank the minister for that and give him the opportunity to take away the word "only." Where do you think smoke comes from? What do you think causes smoke?

•(1500)

DELAYED ANSWERS TO QUESTIONS

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have delayed answers to two questions. First, a response to a question raised in the Senate on March 9, 1999 by the Honourable Senator Terry Stratton regarding the refusal of Canadian bond rating agencies to restore the triple-A rating and the impact of the increasing numbers of seniors on the economy. Second, I have responses which I am delighted to provide to questions raised in the Senate on March 18, 1999, by the Honourable Senator Noël A. Kinsella and by the Honourable Senator Consiglio Di Nino regarding the Canada Customs and Revenue Agency Bill, cost of speech writing in support of legislation, application of goods and services tax.

THE BUDGET

REFUSAL OF CANADIAN BOND RATING AGENCIES TO RESTORE TRIPLE-A RATING—IMPACT OF INCREASING NUMBERS OF SENIORS ON ECONOMY—GOVERNMENT POSITION

(Response to question raised by Hon. Terry Stratton on March 9, 1999)

One of the best tools the government has available for meeting the challenge of an ageing population is reducing its own debt burden.

Reducing the debt-to-GDP ratio will free fiscal resources currently allocated to interest costs, and significantly increase the government's ability to manage future cost pressures.

As outlined in the Debt Repayment Plan, the government is clearly committed to lowering the debt-to-GDP ratio.

The Plan has already been a success. In 1997-98, Canada's debt-to-GDP recorded the largest yearly decline since 1956-57, falling from 70.3 to 66.9 per cent.

According to the fiscal plan set out in the 1999 Budget, the debt-to-GDP ratio will further decline to just under 62 per cent in 2000-2001.

However, the government does not favour setting either short-run or long-run debt-to-GDP targets.

In the short run, it would be very difficult to set a specific target because of fluctuations in nominal GDP, over which the government has no control. Last year for instance, the government revised its historical estimates of GDP.

A long-run debt-to-GDP target would also be problematic because there is absolutely no consensus in either the academic or business community on an acceptable long-run debt ratio.

There is a consensus that the debt-to-GDP ratio needs to continue to decline — that is what the Debt Repayment Plan is doing.

Since Canada is rated a strong Double A credit by the Canadian Bond Rating agency, any interest savings from an upgrading of our credit rating to Triple A would be marginal.

Credit ratings are only one factor in the government's cost of borrowing. More important is the level of investor confidence in Canada's economic policies and fundamentals. Investor confidence has improved significantly in recent years with the dramatic turnaround in our fiscal position, continued low inflation, and steady economic growth.

The question is complicated by the fact that Canada is rated by a number of credit rating agencies, and our rating differs slightly across agencies. Some rating agencies also rate Canada differently for domestic currency debt than for foreign currency debt. In fact, two rating agencies — Standard & Poor's and Dominion Bond Rating Service — rate Canada Triple A for domestic borrowing.

The surest way to reinstate Canada's Triple A rating is to continue to pursue the policies that this government has to reduce the level of government debt and encourage strong non-inflationary growth.

NATIONAL FINANCE

CANADA CUSTOMS AND REVENUE AGENCY BILL—COST OF SPEECH-WRITING IN SUPPORT OF LEGISLATION APPLICATION OF GOODS AND SERVICES TAX—POSITION OF CHAIRMAN

(Response to questions raised by Hon. Noël A. Kinsella and Hon. Consiglio Di Nino on March 18, 1999)

No speeches were prepared for Senator Carstairs, or any other Senator, using outside speech contractors.

The second reading speech, which was prepared for Senator Carstairs to deliver in the Senate on December 10, 1998, was written by employees of Revenue Canada in cooperation with the Senator's staff.

An additional question was also raised concerning the posting of the speech on the Revenue Canada web site. The speech was posted by mistake and Revenue Canada apologizes for the error. It is the Department's policy to post only the speeches of the Minister of National Revenue. The speech provided to Senator Carstairs has been removed from the web site.

ORDERS OF THE DAY

APPROPRIATION BILL NO. 1, 1999-2000

THIRD READING

Hon. Sharon Carstairs (Deputy Leader of the Government) moved the third reading of Bill C-74, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000.

Motion agreed to and bill read third time and passed.

SPECIAL IMPORT MEASURES ACT CANADIAN INTERNATIONAL TRADE TRIBUNAL ACT

BILL TO AMEND—THIRD READING

Hon. Jeremiah S. Grafstein moved the third reading of Bill C-35, to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act.

Motion agreed to and bill read third time and passed.

GOVERNMENT SERVICES BILL, 1999

CONSIDERATION IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole on Bill C-76, to provide for the resumption and continuation of government services.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I ask that His Honour now leave the Chair and that we resolve ourselves into a Committee of the Whole for clause-by-clause study of Bill C-76.

The Hon. the Speaker: I shall leave the Chair, and the Honourable Senator Stollery will take the Chair of the committee.

The Senate was accordingly adjourned during pleasure and put into a Committee of the Whole, the Honourable Peter A. Stollery in the Chair.

Senator Lynch-Staunton: Mr. Chairman, before moving into clause-by-clause, I should like to ask the minister if he has any information for us after his communication with the President of the Treasury Board regarding a suggestion that was made earlier.

Senator Graham: I have secured two letters: First, from Minister Massé, directed to me, which I shall be happy to have tabled, and I have one for the Leader of the Official Opposition. It has also been copied to Mr. Daryl Bean. It is dated today and it states:

Dear Senator Graham:

My purpose in writing is to confirm that if it becomes necessary to legislate a collective agreement for the correctional groups, it will be based as a minimum on the tentative agreement that was reached on December 19, 1998 but subsequently rejected by the union membership.

I have a further letter addressed to Mr. Daryl Bean and this is from Alain Jolicoeur, the Chief Human Resources Officer, Treasury Board Secretariat, dated today. It states:

Dear Mr. Bean:

This is to confirm that the employer is prepared to accept the recommendations of the majority conciliation board report for the CX group concerning training, a compatibility study with the RCMP and to discuss the timing for the removal of the lower step at each pay level.

It is signed, "Yours sincerely, Alain Jolicoeur."

I believe those are the three points that are being raised, and I should be happy to provide copies of this letter to honourable senators.

Senator Lynch-Staunton: Perhaps we could all have copies as we go along.

Senator Graham: I only received one. Would you like to receive yours now, Senator Lynch-Staunton?

Senator Lynch-Staunton: No, I will receive mine along with everyone else.

The Chairman: Honourable senators, we shall now start clause-by-clause study of Bill C-76.

Shall the title be postponed?

Hon. Senators: Agreed.

The Chairman: Shall clause 1, the short title, be postponed?

Hon. Senators: Agreed.

The Chairman: Shall clause 2 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 3 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 4 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 5 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 6 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 7 carry?

Senator Kinsella: On division.

Senator Murray: Mr. Chairman, I wish to speak to this clause. I have taken note of the letters that Mr. Massé has sent to my friend and that Mr. Jolicoeur has sent to Mr. Bean, copies of which have been furnished or are being furnished to honourable senators. However, I wish to place on the record my objection to proceeding in the way that is provided for in clause 7.

Parliament always embarks upon legislation of this kind with very considerable reluctance. We all know that. Nevertheless, governments must make a judgment call when they believe that the national interest would be damaged by the continuation of or the launching of an industrial action. Virtually every Parliament that I have had any experience with has had to deal with one or more pieces of legislation of this kind.

Sometimes we are in a position of imposing settlement on workers who are in the private sector but in the federal jurisdiction. That is unpleasant enough as a matter of principle. At other times, including in this situation, we are called upon to take action against a group of our own employees, people who are directly employed by the government.

•(1510)

The usual experience is that a government seeking to enact this kind of legislation presents a bill that provides for either one of two courses: First, the appointment of an arbitrator or an arbitration board, the result of which will be binding on both parties. Parliament has been asked to pass a provision of that kind. Second, less frequently it happens that the government comes to Parliament with the details of an imposed settlement and asks Parliament to pass the imposed settlement in that form.

That happened, as we were reminded, in the early 1990s when the government of the day had decided on a fiscal restraint program and, therefore, imposed a limited wage settlement within the limits of that program on the unions involved.

It is different this time in that the government is coming to Parliament and asking Parliament to give it, or the Governor in Council, the power — on the recommendation of the Treasury Board, which happens to be the employer — to impose a settlement. This morning, Mr. Massé had to acknowledge that there is no precedent for a provision of this kind in a bill of this kind.

This is a bad precedent that we are establishing today. As I say, I have seen the letters sent by the minister and his officials to the unions and copied to us. They go some distance, I suppose, to mitigating some of our concerns. However, it would have been vastly preferable for the government, if it did not want to subject the union to an arbitration process, simply to impose the settlement and to outline the settlement in detail in the legislation.

I know as I stand here that some aggressive manager, some years down the road, will come to cabinet and show them a back-to-work bill which will provide that the Governor in Council will have the power to impose a settlement. Some reluctant minister will say that it does not sound quite right, and the answer will be "The Liberals did it in 1999." That answer is always the clincher.

That is the problem with setting bad precedents of this kind. I do not intend, although others might, to propose an amendment to this clause. I simply wanted to intervene at this stage to express my concern, objection and considerable reluctance about the precedent that we are setting with this clause.

Senator Carney: Honourable senators, I would bring to your attention that, this morning, my office has received phone calls from 37 correctional officers in British Columbia about this clause. They want to have the legislation amended to include the majority decision of the conciliation report. Since they are not here to speak for themselves, they have asked me to speak for them.

It is interesting that most of these correctional officers seem to come from the Kent Institute, Chilliwack, Matsqui, Abbotsford, and New Westminster. It may be that there are aspects of this legislation that particularly affect this group of correctional officers. Possibly that problem could be identified. I can read their names into the record or, with leave, attach their names to my remarks. I am in the hands of the Chair on how to deal with that.

I do think it important that 37 people in one area of British Columbia, the Fraser River-Delta area, have such concerns about this particular clause in this piece of legislation that they took the time to call my office and ask me to intervene on their behalf.

The Chairman: With leave, I suggest that the names be attached to the record.

Senator Graham?

Senator Graham: Yes, that is perfectly agreeable.

(For text of document, see Appendix p. 2994.)

Senator Graham: On that particular point, Senator Carney, and perhaps others, have met with PSAC representatives. I personally have met with them on three separate occasions in Nova Scotia at various places. I have corresponded with them and I have returned my phone calls, every one of them. Therefore all of the representations that they have made have been duly and faithfully transferred by me to the President of Treasury Board, who is responsible for matters of this kind.

Senator Carney: With respect, how could you do that if you did not have the legislation before you? We just received this legislation.

Senator Graham: I am talking about the general representations that were made.

Senator Carney: I am not talking about general representations; I am talking about the fact that this bill, Bill C-76, which was made available to us at a very late time yesterday, has generated this concern on this specific clause from these people. Of course, since I did not have the legislation, I have not been able to find out what it is about this particular clause which affects these particular people.

Senator Graham: I am just making a general comment.

Senator Carney: Thank you. I am making a specific one.

[Translation]

Senator Rivest: I want to draw the attention of the honourable senators and of the minister to the significance of labour relations in the Canadian public service. We all believe in freely negotiated working conditions for these workers. This is probably true for some provinces. When, under the Labour Code, these workers resort to questionable means that can threaten public health and safety, the government certainly has a duty to step in. Within these parameters, I wonder how the government — which is supposed to be very liberal-minded and generous — can say, on the one hand, that it intends to honour the principle of negotiated labour relations for private sector employees and, on the other hand, in a bill, say that for public service employees, it will invoke clause, 7 whereby the Governor in Council will set both working conditions for public servants and the term during which they will apply.

There is utter incompatibility between the position, good intentions and principles the government wants to maintain and supposedly continues to believe in, and the legislation it is bringing in. In my opinion, the government has not demonstrated that there is a threat to public health and safety. There have been unfortunate inconveniences, we all agree. It is a question of judgment. The government has made a decision, but in the

working conditions for the public and parapublic sectors, there are no freely negotiated working conditions. There is no longer any right to strike and to use pressure tactics to obtain a salary increase.

In view of what has been seen in the government and in other sectors, it is important to reconsider this formula. Can we ask whether the Parliament of Canada still believes, as it should, in respect and freely negotiated working conditions for all government employees? Clause 7 is a brutal measure that goes against the good intentions the government claims it wants to maintain.

[English]

•(1520)

The Chairman: Shall clause 7 carry?

Some Hon. Senators: Agreed.

Senator Murray: No. No; question!

The Chairman: All those in favour of clause 7?

Senator Murray: Ask them to please stand.

The Chairman: I do not think we stand in Committee of the Whole. I think the clerk must take the count

Those in favour of clause 7, please stand. We will take a count. We do not take the names down formally.

Will those who oppose clause 7 please rise now? Are there any abstentions?

Those in favour of clause 7, 30; those opposed, 26.

I declare clause 7 carried.

Shall clause eight carry?

Hon. Senators: Carried.

The Chairman: Shall clause 9 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 10 carry?

Hon. Senators: Carried.

The Chairman: Shall Clause 11 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 12 carry?

Hon. Senators: Carried.

The Chairman: Shall Clause 13 carry?

Hon. Senators: Carried.

The Chairman: Shall Clause 14 carry?

Hon. Senators: Carried.

The Chairman: Shall Clause 15 carry?

Hon. Senators: Carried.

The Chairman: Shall Clause 16 carry?

Hon. Senators: Carried.

The Chairman: Shall Clause 17 carry?

Hon. Senators: Carried.

The Chairman: Shall Clause 18 carry?

Hon. Senators: Carried.

The Chairman: Shall Clause 19 carry?

Hon. Senators: Carried.

The Chairman: Shall Clause 20 carry?

MOTION IN AMENDMENT NEGATIVED

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Mr. Chairman, I move that Bill C-76 be amended in clause 20, on page eight.

(a) by replacing lines 10 to 26 with the following:

20(1) The Governor in Council shall prescribe the terms and conditions of the employment for the employees based upon the majority decision outlined in the *Report of the Conciliation Board to the Chairperson of the Public Service Staff Relations Board* in respect of employees of the employer in the Table 4 bargaining units, namely the Corrections Group (Supervisory and Non-Supervisory);

(b) by replacing lines 27 and 28 with the following:

(2) The terms and conditions prescribed under subsection (1) constitute a new; and

(c) by renumbering subsections (4) to (6) as subsections (3) to (5) and any cross-references thereto accordingly.

The Chairman: May I have a copy of the amendment, Senator Kinsella?

Senator Kinsella: Yes. It is coming to the table now.

The Chairman: I have the motion in amendment. I do not think we have to distribute it.

Senator Kinsella: I would like to speak to the motion in amendment.

Honourable senators, as we learned in Committee of the Whole, not only is the provision unprecedented — as the earlier

clause over which we had a debate and vote on is unprecedented — but, unlike clause 1 of the bill, that clause has an agreement between the parties that was agreed to late the other evening. The expectation is — and I think that honourable senators cantake the word of the President of the Treasury Board as the employer and the representatives from the bargaining unit — that that agreement for the Part 1 people, namely, the general workers, will probably be ratified.

The difficulty with the employees affected by Part 2 of this bill is that we have no idea as to what the terms of settlement would be other than the general letter that we have received, which provides some parameters. However, the process that is provided for is offensive to International Labour Organization conventions. I also think that it is offensive to a pretty important Canadian value, namely, the value that when we interfere with a right of Canadians by using the power of the state, we do so in a fashion that is surgical like and with minimal impact. If the state is to make this interference with the bargaining rights of Canadian workers in this instance, then it should not be given the sledge-hammer to slaughter the proverbial mosquito.

The other element is the conciliation board, which operated as a third party, and examined and heard the representations from both sides. That matter is there. The contract is terminated in June. We, as parliamentarians, should exercise that third party function to maintain a degree of fairness in the collective bargaining process within public sector bargaining.

This amendment speaks directly to the contract that the conciliation board, having heard the parties, determined to be the fair way of proceeding. The distance between what was presented by the government, as the employer, at the table during negotiations is not that great. I think that we would be doing the right thing in the interests of fairness by amending this bill to provide for some specificity as to what the collective agreement should be.

Senator Lynch-Staunton: I will take advantage of the amendment to make a comment. I wonder whether the government is putting salt in the wounds or deliberately provoking its civilian employees because today as we are in the last stage of discussion on the back-to-work legislation, the government announced pay hikes for the military ranging from 14.4 per cent to 18.1 per cent. I wonder why today, of all days, was chosen to announce that. Privates will get an increase of 14.4 per cent; other non-commissioned members 17.28 per cent; most second lieutenants and lieutenants 18.1 per cent; captains, majors, lieutenant-colonels 12.05 per cent retroactive to April 1, 1997; and their environmental allowances, for example, sea pay, sea operations allowance and air crew allowance, will increase by 16.84 per cent.

•(1530)

Here, we are talking about a group of employees who have not seen any collective bargaining for years and who have had their wages frozen since 1991, except for some minor adjustments. We are looking at 2 or 3 or 4 per cent. Yet they look across where there are no negotiations and see a substantial body of

employees, called the Armed Forces, getting these deserved, no doubt, increases of 14.4 per cent. The government is creating categories of employees and segregating them accordingly. I find that reprehensible.

It is more reprehensible that this should be announced on the very day that this legislation is being discussed. To me, it is nothing more than undue, unwanted, and unwarranted provocation which can only sour employee-employer relations.

The Chairman: Thank you. I will put the motion. All those in favour of the motion in amendment, please rise. All of those opposed to the motion in amendment, please rise.

Thank you very much. You may take your seats. On the motion, yeas 26, nays 35. I declare the motion lost.

Senator Lynch-Staunton: Were there any abstentions?

The Chairman: Were there any abstentions? I forgot to ask. It is not a procedure used much in the House of Commons, and I did not think of it. I declared the motion lost.

Shall clause 20 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 21 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 22 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 23 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 24 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 25 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 26 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 27 carry?

Hon. Senators: Carried.

The Chairman: Shall Schedule 1 carry?

Hon. Senators: Carried.

The Chairman: Shall Schedule 2 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 1, the short title, carry?

Hon. Senators: Carried.

[Senator Lynch-Staunton]

The Chairman: Shall the title carry?

Hon. Senators: Carried.

The Chairman: Shall I report the bill without amendment?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. Peter A. Stollery: Honourable senators, the Committee of the Whole, to which was referred Bill C-76, to provide for the resumption and continuation of government services, has examined the said bill and has directed me to report the same to the Senate without amendment.

Some Hon. Senators: On division.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. B. Alasdair Graham (Leader of the Government): With leave, now.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Edward M. Lawson: Honourable senators, I wish to propose an amendment. I can understand what prompted the government to initiate the back-to-work legislation. I can understand the concern for the farmers and the grain workers and so on, but that has been dealt with by the unions. They gave an undertaking of no more picketing against the farmers.

When this back-to-work legislation arrived in the House of Commons and the minister announced that, as a result of collective bargaining, a tentative agreement had been reached, the back-to-work legislation should have stopped right there. It ceased to be back-to-work legislation when it proceeded further, and it became a direct assault on the union, and a frontal assault on free collective bargaining.

I propose this amendment more out of disappointment than anger. I have heard many members opposite, including the Prime Minister and former prime minister Trudeau, make passionate defences of free collective bargaining. I was invited to a meeting with Prime Minister Pearson when he was considering and consulting about granting bargaining rights to postal workers. At that meeting, many recommended yes, and many recommended vigorously no. Prime Minister Pearson said that the policy of the Liberal Party and this government is free collective bargaining, and he implemented collective bargaining.

Honourable senators, we have here an unprecedented piece of legislation, a dangerous precedent, an attack on the union, and an assault on free collective bargaining. I think the minister has lost his way, and I am afraid the Liberal government on this occasion has either been misled or lost its way. There is no need for this legislation.

We have a commitment. You heard Mr. Bean from PSAC this morning say that they are recommending it, and that in one week, if this legislation was suspended, he would have approval from his membership. Why would you risk a dangerous precedent like this when it is unnecessary? Give collective bargaining a chance to work.

MOTION IN AMENDMENT NEGATED ON DIVISION

Hon. Edward M. Lawson: Honourable senators, in an attempt to help my friends in the Liberal Party and the government, I move, seconded by the Honourable Senator Cochrane:

That the bill be not now read the third time but that it be read the third time this day three months hence.

I am told by the Table Officers here that the matter can either be referred to committee for three months or six months. I want enough time for the union, which has given a good faith commitment, to recommend it to their members and to allow collective bargaining to work without this terrible blot on the record of the government and this attack on free collective bargaining.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker: Will those in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: As I hear it, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Please call in the senators. Is there agreement on the length of the bell? The whips tell me the bells should ring for 30 minutes, so the vote will take place at 4:10 p.m.

•(1610)

Motion in amendment of Senator Lawson negated on the following division:

YEAS

THE HONOURABLE SENATORS

Atkins	Lavoie-Roux
Balfour	Lawson
Beaudoin	LeBreton
Buchanan	Lynch-Staunton
Carney	Murray
Cochrane	Oliver
Cogger	Prud'homme
DeWare	Rivest
Di Nino	Roberge
Doody	Rossiter
Forrestall	St. Germain
Keon	Tkachuk
Kinsella	Wilson—26

NAYS

THE HONOURABLE SENATORS

Adams	Kroft
Bacon	Losier-Cool
Bryden	Maheu
Butts	Maloney
Callbeck	Mercier
Carstairs	Milne
Chalifoux	Moore
Cook	Pearson
Cools	Perrault
Corbin	Poulin
Ferretti Barth	Robichaud (<i>L'Acadie-Acadia</i>)
Fitzpatrick	Robichaud (<i>Saint-Louis-de-Kent</i>)
Fraser	Rompkey
Grafstein	Sparrow
Graham	Stewart
Gustafson	Stollery
Hays	Taylor
Hervieux-Payette	Watt—38
Johnstone	
Joyal	

ABSTENTIONS

THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: I declare the motion in amendment lost.

The question before the Senate now is on the main motion. Does any other honourable senator wish to speak on the main motion?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, before we vote on the main motion, I should like to address a couple of points.

First, with respect to the operational or blue-collar workers, this legislation is still needed, even though an agreement has been reached between the Treasury Board and the PSAC leadership.

As I explained yesterday, and as Mr. Massé reiterated today, until that agreement is ratified by the membership, the members have the legal right to continue the strike activity they have been engaged in since January. Thus, this legislation is needed to ensure that work stoppages do not continue during the ratification period. In fact, since the agreement was reached on Tuesday evening, strike activity has intensified.

For example, yesterday, there was picketing at DND bases at Halifax and Greenwood; and there were 150 pickets at Base Valcartier. There was also heavy picketing at many correctional facilities. In the Atlantic, pickets were set up at the Dorchester maximum security facility, the Westmoreland minimum security facility, and the Springhill medium security facility. In the province of Quebec, there were pickets at the Laval complex, which comprises three institutions, maximum, medium and minimum security, at the Cowansville medium security facility, and at the Drummondville medium security institution.

On the Prairies, there were pickets set up at the Saskatchewan Penitentiary, which is a maximum security institution, the Riverbend institution, which is minimum security, Edmonton institution, which is maximum security, and the Bowden institution, which is medium security.

The strike activity and picketing to which I refer was not being conducted by correctional workers but by operational workers, some of whom are employed inside the institutions.

There was also heavy picketing at Revenue Canada offices in the following locations: St. John's, Newfoundland; Sydney, Nova Scotia; Jonquière, Quebec; London, Ontario; Winnipeg, Manitoba; Vancouver, B.C.; and Victoria, B.C. In fact, in Victoria, more than 300 pickets blocked access to Revenue Canada offices, notwithstanding a court order to limit picketing.

There was even picketing yesterday, as was mentioned earlier, at Dorval airport.

The rotating strikes by operational workers, which have caused serious disruptions across the country, are continuing. They have intensified and will undoubtedly continue if this legislation is not passed or if it is suspended.

The second issue I want to deal with is the position of correctional workers. As we all know, correctional workers will be in a legal strike position at midnight tomorrow. The provisions of Bill C-76 ordering them back to work do not automatically come into effect at the time of Royal Assent. They will only come into force through an Order in Council, and that Order in Council will only be made if conditions warrant it.

What I mean by that is this: If the correctional workers remain at the bargaining table instead of initiating strike action, the Order in Council will not be sought. However, if they initiate strike activity at a correctional institution that puts the public at risk, or other employees or inmates at the institutions in danger, then the back-to-work provisions will be triggered by an Order in Council.

Senator Lawson has suggested that the legislation be suspended at this time. I have great respect for Senator Lawson's opinions in matters of this kind. However, what I am indicating is that the provisions respecting correctional workers will be suspended or not be put into effect until and unless needed, and that is up to the workers themselves. If there is no strike activity that would result in a dangerous situation, the provisions will not be triggered, negotiations will continue and, hopefully, a negotiated agreement will be reached.

Honourable senators, we have heard how the correctional workers are asking that the conciliation report that dealt with their situation be fully implemented. There have even been suggestions by witnesses that Bill C-76 be amended to incorporate that conciliation report.

The government cannot agree to this because it cannot accept the conciliation report, although it is prepared to use it as a basis of discussion for some of the issues under negotiation.

I want to emphasize that our rejection of the conciliation report is in no way, shape or form an indication of bad-faith bargaining. It is quite normal for one or even both parties in a labour dispute to reject a conciliation report.

•(1620)

Let me give honourable senators a pertinent, current example of this. The Public Service Alliance rejected the conciliation report issued on December 8, 1998 with respect to the blue-collar workers. Negotiations continued, and the end result was an agreement reached earlier this week which, according to Mr. Bean himself, was more generous for his members than what was called for in the conciliation report. Therefore, I want to emphasize again, honourable senators, that it is not a sign of bad faith when one of the parties rejects a conciliation report. It is part and parcel of the normal collective bargaining process.

While I am on my feet, I should also mention that, under this legislation, a negotiated agreement will always take precedence. Clauses 7(6) and 20(6) make it clear that if there is a negotiated settlement between the parties, the provisions in the bill allowing the imposition of a collective agreement are spent and have no effect or force. The government's preference is a negotiated agreement, and the legislation reflects that.

Honourable senators, this legislation was originally introduced to deal with a very difficult situation. Notwithstanding the agreement reached with blue-collar workers on Tuesday, the situation remains very difficult, particularly in the short term. I believe that we as legislators would not be fulfilling our responsibilities if we allowed the Senate to adjourn without first adopting this legislation.

Hon. Edward M. Lawson: Honourable senators, I accept the statement of the Leader of the Government that it is not bad faith bargaining for either side to reject a conciliation report. However, that is not the primary issue. When the union and the employer agreed on a tentative settlement, that was good faith bargaining — although it may have been influenced by the threat of back-to-work legislation — and the legislation should have been withdrawn.

I have been involved in many strikes and know of the emotions of working people. When the government said that, notwithstanding the tentative agreement arrived at, it was still going to hammer the workers with this legislation, it attacked the integrity of the membership and the leadership. What option does that leave the workers for venting their anger other than to do what they are doing?

Based on my experience, I can say that, had the government accepted in good faith the agreement that was arrived at and withdrawn the legislation, the work stoppages and picketing would have largely, if not totally, disappeared.

At any time throughout our history, had such an opportunity for a settlement presented itself, the Minister of Labour would have quickly withdrawn the legislation. I think the government has done irreparable damage to future bargaining relations between workers and the government. I give you that caution.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to make a correction. I do not think Mr. Bean said that the tentative settlement was better than the settlement recommended in the conciliation report rejected by the union. He said that it was better than the settlement imposed by this bill.

Could the Leader of the Government clarify for us the status of the 728 designated correctional workers? We have been receiving conflicting evidence on this. This morning we were told that it was caused by administrative difficulties, that in effect it was a mistake and that the 728 should have been categorized as designated. Later, Mr. Bean said, and this was more or less confirmed by the representative of the correctional officers, that there had been an agreement signed by the government and the union formalizing the status of the 728 as non-designated correctional officers.

There is a contradiction there. The employer says it is the result of confusion, poor administration, and paper work. Mr. Bean showed us a document, which he said had been signed by both parties only a few days before, identifying and confirming the 728 as non-designated correctional officers.

Could the Leader of the Government tell us exactly what their status is? If the document was signed, why is the government now renegeing on it?

Senator Graham: It is my understanding that it was an administrative error.

Senator Lynch-Staunton: If that is so, what is the validity of a document which Mr. Bean showed us which he said listed 728 positions, if not names, being confirmed as non-designated correctional officers, which was signed only a few days before by the Government of Canada and the union? That is not an administrative error.

Senator Graham: That is my understanding, honourable senators. I will have to seek further clarification on that. I do not know that it affects what we are talking about here now, but it deserves clarification. My understanding is that it was an administrative or clerical error.

Senator Lynch-Staunton: I would appreciate it if the leader would look into that. It does affect what we are talking about. If those 728 positions had been declared designated, we would not have Part 2 of the bill. Part 2, which is extraordinarily Draconian, takes away the right to strike from those who have yet to exercise it and lumps others who have the right to strike in with those who will have the right to strike removed. It also instructs the Treasury Board to impose a settlement unilaterally without consultation. That is what Senator Lawson is talking about. That is unheard of.

We have this comfort letter which sets out the basis of the settlement. The 728 are captured by the most Draconian back-to-work legislation we have ever seen, that being Part 2 of this bill. It is important to have that clarified because I suspect that it is much more than an administrative error.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, the process in the house, when you wish to ask a question of the person who has spoken, is that you ask it immediately after he or she speaks. Senator Graham spoke, then Senator Lawson spoke. Thereafter, Senator Lynch-Staunton rose and asked questions of Senator Graham, who was not the last speaker.

Are we going to follow the rules this afternoon or are we going to change them?

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I wish to ask a question of Senator Graham. Senator Lynch-Staunton got up to do that very thing and Senator Lawson was recognized. Thereafter, Senator Lynch-Staunton asked his questions. I still wish to ask questions of Senator Graham.

In his speech at third reading debate, Senator Graham stated that the government had reasons for rejecting the majority conciliation board report affecting the correctional officers. Could the Leader of the Government in the Senate tell the house what reasons the government had for rejecting that report?

Senator Graham: Honourable senators, the reason for the rejection was that the government thought the deal was a little rich. Originally, the correctional services people had been asking for increases in the range of 17 to 19 per cent. As I explained in my third reading speech, it is normal for either side to reject the report of a conciliation board, but it could certainly form a good basis for further negotiation.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I would like to speak at third reading. The problem with the Senate, I think, is that it rarely listens to what people of experience have to say. I do not feel compelled to make long speeches on every issue. For example, if we discuss certain international topics, I listen to those who, in my mind, may have some international experience. If we discuss transportation issues, I listen to the chair of the Committee on Transport, to people whom I trust. I may sometimes make mistakes, but not in the case of Senator Bacon. If we are talking about the first nations, I always listen to what Senator Adams, Senator Watt and our good friend, Senator Chalifoux, may have to say. This is what the Senate is all about. So, I will spare you a very long speech on these legal issues.

[English]

● (1630)

The speech could be very long, as the rules allow, but having trusted many senators for their knowledge, I will not repeat what has been better said. I do not think I could ever put it better than has Senator Lawson. That is my speech. I want to be on the record as fully sharing his view.

Senators must learn to be relaxed with each other with respect to the way we vote and the way we put forward our opinions. That is the beauty of the Senate.

I was impressed by some of the interventions I was able to catch today. I have just arrived from a full briefing by all the Arab diplomats on the visit of Chairman Yasser Arafat. There is so much we could learn by listening to them instead of listening to what I have to say on this bill.

Again, I fully share the views expressed by Senator Lawson. That is the reason I voted the way I did, and that is the reason I will vote with the majority on third reading. I can see what will happen. If some people are nervous, be careful, because the rules state that we could sit tomorrow.

My honourable colleague says that I may be sitting alone. Be careful. Someday I may force my honourable friend to sit alone, too. However, I will not go that far in using the rules.

Thank you, again, Senator Lawson for sharing with us your great experience.

Hon. John G. Bryden: Honourable senators, I am not speaking as an expert in this area, but I suggest that there is another side to what Senator Lawson has said. We have both been at the bargaining table many times. On my part, I

sometimes represented my friend's organization. However, there are some interesting facts here. There is no guarantee that people will always act in good faith.

My honourable friend suggested that if the government had acted differently and said, "We have a tentative agreement, so let us stop everything and take our two-week break," it would have been an act of good faith. Everyone would have stopped picketing and there would have been no more threats. I have been in situations where that has happened and, indeed, the result has been similar to what my honourable friend has indicated. I have also been in situations where that good-faith action has taken place by the bargaining agent and the employer, and the good result did not occur.

Honourable senators, in this situation, we already have evidence that a bargaining unit that I believe is a subsection of PSAC — the correctional officers — negotiated in good faith and entered into a tentative agreement with the employer. Their leadership and the negotiating team recommended to the membership that they accept the agreement, and the membership rejected it.

Mr. Bean, in all good faith, I am sure, sat here and said, "We have entered into a tentative agreement, and we are prepared to recommend acceptance of that tentative agreement to our membership." When asked, he said, "I am optimistic," or words to that effect, "that our recommendation will be accepted." I did not ask Mr. Bean if he would be prepared to bet his position on it, because that would have been unfair. What is more, he would not be expected to do that because the union organization is a democracy, and the membership is entitled to have the last word.

I suggest that it takes two sides to make an agreement and two sides to bargain in good faith. We often get to this stage in a dispute when two parties have a long history.

Honourable senators, the employer and the union must exercise their best judgment at the eleventh hour, whatever brought the eleventh hour around. My view is that the government, separated from the employer, on the basis of the facts and what they had before them, must act in the best interests of the public. However, there are times when — with all due respect to the free collective bargaining system we all endorse — the public interest must take precedence and we must protect the public interest.

Senator Lawson has an opinion as to how that might best have been done, to protect the collective bargaining tradition. My intervention at this point is to say that there are other considerations. If, in fact, the situation had worsened, and if, in fact, PSAC members reject this tentative agreement rather than ratify it, then the unsettled situation we have could very well continue for a further period of days, weeks or months before it is resolved.

Is my honourable friend right, honourable senators? I do not know. I merely wish to ensure that this chamber understands there are no guarantees that people will always act in good faith and in the best interests, even of their own membership sometimes.

Hon. Gerry St. Germain: Honourable senators, I have a question for Senator Bryden.

Senator Lawson indicated that a three-month delay was a necessity and that we could not delay the bill for a month. That is my understanding. I believe this is the procedure, but I stand to be corrected by someone who may have more experience in this area.

Honourable senators, there is a trust factor in all of this. As one who has negotiated and represented labour in the past — not to the extent that Senator Lawson has or Senator Bryden has in his life as a lawyer — I can tell my honourable colleagues one thing: I have never received as many phone calls on a bill — other than Bill C-49, with respect to which I am being inundated with correspondence — as I have with Bill C-76. The trust factor is comparable to that between a man and a woman in a marriage. In other words, the same trust factor exists between employer and employee in these negotiations.

If my friend feels that these rotating strikes have been going on for a considerable period of time and that the public interest is at risk, I believe we could have delayed implementation, which would have shown good faith; yet, had they not ratified the negotiated settlement that is on the table, we would not have lost faith with the working men and women of this country. We would not have undermined the right to strike or the right to negotiate.

I think the three-month timeline was raised through necessity, but we possibly could have delayed this one month or two or three weeks. I believe Mr. Bean said it would take him two weeks to ratify this agreement. I ask my honourable friend for his comment on that.

Senator Bryden: I will comment on it, honourable senators.

I am not sufficiently familiar with the circumstances and the details. Senator St. Germain referred to a relationship of faith, much like that between a husband and a wife. Faith such as that, or the breach of it, is often built up over a period of time. I do not know, as we in this chamber do not know, all of the circumstances that brought this situation to where it is today.

• (1640)

Many of the points the honourable senator made are valid considerations. However, as someone who has worked in the field and someone who is now a member of Parliament, I am not prepared to try to substitute my judgment on my limited appreciation of the particular facts in this instance for the judgment of the government.

Hon. Leonard J. Gustafson: Honourable senators, I feel that I should say a few words here.

The strike of the grain handlers came at a very difficult time for farmers. We had a very difficult winter. Our elevators were plugged and in many places still are. It seems that the grain handlers have chosen to strike at a time which is most difficult for the farmers. I understand there are seven ships waiting to be loaded. This will cost the farmers demurrage. On top of that, our

farm economy in the grain sector is probably in one of the worst conditions it has been for several years.

I have no alternative today, honourable senators, but to support ordering the government employees back to work. I question why the union would pick a time when things are difficult for agriculture, particularly with the movement of grain. My actions here today are based on that thinking.

Senator Lawson: May I respond to Senator Bryden?

The Hon. the Speaker: I am sorry, Senator Lawson, you have already spoken.

Unless any other honourable senator wishes to speak I will proceed with the third reading motion.

With leave of the Senate, and notwithstanding rule 59(1)(b), it was moved by the Honourable Senator Graham, seconded by the Honourable Senator Carstairs, that this bill be read a third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Shall I say on division?

Some Hon. Senators: On division.

Motion agreed to and bill read third time and passed, on division.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 25, 1999

Mr. Speaker,

I have the honour to inform you that the Honourable John Major, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 25th of March, 1999, at 5:00 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Judith A. LaRocque
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, seconded by the Honourable Senator Perrault, P.C., that Bill C-55, An Act respecting advertising services supplied by foreign periodical publishers, be referred to the Standing Senate Committee on Transport and Communications

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, yesterday I took the adjournment of the debate on the motion for referring the bill to committee. I wish to make a couple of remarks.

From the standpoint of this side of the chamber, we are anxious to see that that legislation be assigned to a committee today. I was pleased that all honourable senators who participated in the debate yesterday manifested a great interest in the legislation. It speaks to the importance of the bill and it also speaks to the complexity of the bill in that it involves very serious trade dimensions. There are also very serious communication and cultural issues associated with it, as well as very important legal and constitutional questions.

Honourable senators, Senator Carstairs and I did utilize the usual channels to consult on this matter, and we are of the common view that if as many senators as possible study in detail the various dimensions of that bill, it can only result in a better examination of the legislation.

For this side, honourable senators, being anxious as we are that the bill go to committee today, we recognize that there is, indeed, in the rules certainly the tradition that all honourable senators have, as a matter of right, the right to attend any committee examining legislation and to express their views. We hope that all honourable senators who have this interest and have special areas of expertise, whether in the area of banking and commerce or in the area of trade, or in the area of constitutional law and rights, or in the area of communications and culture, will come to the Transportation Committee meetings and lend that expertise to us.

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Carstairs, seconded by the Honourable Senator Perrault, that the bill be referred to The Standing Senate Committee on Transport and Communications.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before we leave this item, and so that in the future we might be guided by our rule book, I refer you to rule 62(1)(i). It reads:

Except as provided elsewhere in these rules, the following motions are debatable:

(i) for the reference of a question other than a bill to a standing or special committee.

In other words, the reference of a bill is not a debatable motion. Therefore, we should have been engaged in the exercise we have been through, according to our rule book. I only raise that point for future consideration.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTY-SECOND REPORT OF COMMITTEE ADOPTED

On the Order:

Consideration of the thirty-second report of the Standing Committee on Internal Economy, Budgets and Administration (Security Accreditation Policy), presented in the Senate on March 23, 1999.— (*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey moved the adoption of the report.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I ask for some explanation of what is in this report.

Senator Rompkey: Honourable senators, I do not have the report in front of me, but I assume this is the security report that we are talking about. All we are really doing is ensuring that everyone abides by the guidelines and the regulations, and that is to ensure that there are security checks before people are employed.

Motion agreed to.

[Translation]

PRIVILEGES, STANDING RULES AND ORDERS

CONSIDERATION OF NINTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Ferretti Barth, for the adoption of the ninth report of the Standing Committee on Privileges, Standing Rules and Orders (*Independent Senators*) presented in the Senate on March 10, 1999.—(*Honourable Senator Robertson*).

Hon. Marcel Prud'homme: Honourable senators, on behalf of Senator Robertson, I would appeal to the leadership of both parties to try to listen to us so that a decision can be taken on this issue, which has dragged on for too long.

[English]

I shall give no speech today. I have five prepared for today and that is the second I shall not deliver.

I would hope that leadership on both sides will come to terms. I know a vigorous exchange took place between honourable senators, but I think that is behind us now. Eventually, we should take a decision on this issue. In my case, this has been dragging on for almost six years. New senators, such as Senator Wilson and Senator Roche, are very eager to participate in the work of committees, as is Senator Lawson, as we saw today.

I am making an appeal to Senator Lynch-Staunton and Senator Carstairs to see if something could be done to dispose of this item as soon as possible. I am ready to speak with Senator Robertson on this issue.

On motion of Senator Kinsella, for Senator Robertson, debate adjourned.

EXCISE TAX ACT

BILL TO AMEND—CONSIDERATION OF REPORT
OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Cochrane, for the adoption of the fifteenth report of Standing Senate Committee on Social Affairs, Science and Technology (Bill S-10, to amend the Excise Tax Act, with an amendment) presented in the Senate on December 9, 1998.—(Honourable Senator Carstairs).

Hon. Consiglio Di Nino: Honourable senators, today is the eleventh day that this item has been standing in the name of Senator Carstairs. I was wondering if Senator Carstairs could inform me when she, or someone else from her side, would be responding to this item.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, it was my intention to speak this week. However, I am afraid that I have been somewhat tied up with other problems and I will speak on this matter as soon as we come back from the break.

On motion of Senator Carstairs, debate adjourned.

REVIEW OF NUCLEAR WEAPONS POLICIES

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Lavoie-Roux:

That the Senate recommend that the Government of Canada urge NATO to begin a review of its nuclear weapons policies at the Summit Meeting of NATO April 23-25, 1999.—(Honourable Senator Roche).

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, we have taken a careful look at this motion by Senator Roche and our caucus has decided that we should support this motion.

On motion of Senator Di Nino, debate adjourned.

SEXUAL ASSAULT

RECENT DECISION OF SUPREME COURT OF CANADA—
INQUIRY—DEBATE SUSPENDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate:

(a) to the judgment of the Supreme Court of Canada in the sexual assault case *Her Majesty the Queen v. Steve Brian Ewanchuk*, delivered February 25, 1999, which judgment reversed the Alberta Court of Appeal's judgment upholding the trial court's acquittal;

(b) to the intervenors in this case, being the Attorney General of Canada, Women's Legal Education and Action Fund, Disabled Women's Network Canada and Sexual Assault Centre of Edmonton;

(c) to the Supreme Court of Canada's substitution of a conviction for the acquittals of two Alberta courts;

(d) to the lengthy concurring reasons for judgment by Supreme Court of Canada Madame Justice Claire L'Heureux-Dube, which reasons condemn the decision-making of Mr. Justice John Wesley McClung of the Alberta Court of Appeal and the decision of the majority of the Alberta Court of Appeal;

(e) to Mr. Justice John Wesley McClung's letter published in the *National Post* on February 26, 1999, reacting to Madame Justice L'Heureux-Dube's statements about him contained in her concurring reasons for judgement;

(f) to the nation-wide, extensive commentary and public discussion on the matter; and

(g) to the issues of judicial activism and judicial independence in Canada today.—(*Honourable Senator Grafstein*).

Hon. Jeremiah S. Grafstein: Honourable senators, Senator Cools has done the Senate and the country an undeniable service by comprehensively questioning the role of the judiciary. Of course, by doing so she also raises the question of the role of the Senate. Both the judiciary and the Senate in the current public debate suffer from public confusion and carelessness both within the judiciary itself and within Parliament. Confusion is aided and abetted by an almost always less than informed media.

Honourable senators, let me review the significant parallels and differences that exist between the Senate and the judiciary. Both judges and senators are appointed by ministers of the Crown. By practice, precedent and convention, senators are appointed as a matter of prime ministerial prerogative, as are members of the Supreme Court of Canada, chief justices of the provincial courts, the Federal Court and of course, other judges are appointed upon the advice and consent within the cabinet as a whole.

However, different considerations pertain to judges and senators. Both have different law-making powers. In the case of judges, by convention and practice the Prime Minister now seeks advice from the bar and, less transparently, from judges themselves. In the case of senators, the Prime Minister seeks to satisfy his demographic, gender, regional and political concerns. Both the Senate and judges are, by the tenure of their constitutional appointments, accorded independence. Once accorded that independence, they take on entirely different public duties.

Under the Constitution and by convention, senators are invited to be actively involved in their region and their community and are free to engage in politics to better reflect their regional and national concerns. They are invited to burnish their special expert skills and diverse experience with respect to legislation. Appointments to the Senate are meant to add a different dimension to Parliament. Their appointment allows them to set themselves apart, to give sober second thought, independent of the other place, to the public will as illustrated by legislation from the other place.

Under the Constitution, and by convention, senators are entreated to diverge on substantive matters. They are encouraged to diverge on public policy if it appears contrary to the national interest. Thus was the vision of the founding fathers of Confederation.

While the independence of the Senate creates a different dimension of public scrutiny, the Senate is accountable to the other place through its requests for its annual budget. Always the Senate remains open to scrutiny; always the Senate is also open

to substantive criticism if the Senate amendments to legislation are not approved by the other place.

Conflict between the Houses of Parliament is inevitable while providing a formula for consensus. The more independent its review of government policy and legislation, the greater the criticism from the government, the other place and the media.

The Hon. the Speaker: Honourable senators, I shall now leave the Chair to await the arrival of His Excellency, the Deputy of the Governor General.

Debate suspended.

The Senate adjourned during pleasure.

[*Translation*]

ROYAL ASSENT

The Honourable John Major, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Deputy Speaker, the Honourable the Deputy Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Railway Safety Act and to make a consequential amendment to another Act (*Bill C-58, Chapter 9, 1999*)

An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof (*Bill C-61, Chapter 10, 1999*)

An Act to amend the Federal-Provincial Fiscal Arrangements Act (*Bill C-65, Chapter 11, 1999*)

An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act (*Bill C-35, Chapter 12, 1999*)

An Act to provide for the resumption and continuation of government services (*Bill C-76, Chapter 13, 1999*)

An Act to amend the Access to Information Act (*Bill C-208, Chapter 16, 1999*)

An Act to amend the Act of incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (*Bill S-20*)

The Honourable Peter Milliken, Deputy Speaker of the House of Commons, then addressed the Honourable the Deputy Governor General as follows:

May it please Your Honour:

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bills:

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999 (*Bill C-73, Chapter 14, 1999*)

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000 (*Bill C-74, Chapter 15, 1999*)

To which bills I humbly request Your Honour's assent.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

[English]

• (1710)

The sitting of the Senate was resumed.

SEXUAL ASSAULT

RECENT DECISION OF SUPREME COURT OF CANADA—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate:

(a) to the judgment of the Supreme Court of Canada in the sexual assault case *Her Majesty the Queen v. Steve Brian Ewanchuk*, delivered February 25, 1999, which judgment reversed the Alberta Court of Appeal's judgment upholding the trial court's acquittal;

(b) to the intervenors in this case, being the Attorney General of Canada, Women's Legal Education and Action Fund, Disabled Women's Network Canada and Sexual Assault Centre of Edmonton;

(c) to the Supreme Court of Canada's substitution of a conviction for the acquittals of two Alberta courts;

(d) to the lengthy concurring reasons for judgment by Supreme Court of Canada Madame Justice Claire L'Heureux-Dubé, which reasons condemn the decision-making of Mr. Justice John Wesley McClung of the Alberta Court of Appeal and the decision of the majority of the Alberta Court of Appeal;

(e) to Mr. Justice John Wesley McClung's letter published in the *National Post* on February 26, 1999, reacting to Madame Justice L'Heureux-Dubé's statements about him contained in her concurring reasons for judgement;

(f) to the nation-wide, extensive commentary and public discussion on the matter; and

(g) to the issues of judicial activism and judicial independence in Canada today.—(*Honourable Senator Grafstein*).

Hon. Jeremiah S. Grafstein: Honourable senators, I continue my remarks from where I left off.

The more independent the Senate's review of government policy and legislation, the greater the criticism of the Senate from the government, the other place and the relentless media. Such is the fate of the Senate all because of the constitutionally entrenched appointment process.

Honourable senators, I digress. I meant to focus on the role of the judiciary as raised by our colleague Senator Cools, especially in the post-Charter world after the 1982 Constitution. Critics of the 1982 Constitution have found evidence of their most dire predictions in recent actions of the judiciary. Rather than essentially retaining the theory of the supremacy of Parliament, the 1982 Constitution empowered the judiciary with preserving the administration of justice and granting carefully prescribed powers respecting the Charter. However, the notwithstanding power in section 33 still rests with Parliament.

• (1720)

In that sense, Parliament continues to reign supreme. Of course, Parliament has the full power to override the judiciary by legislation on questions unrelated to the Charter. Meanwhile, settling disputes on the division of powers remains a paramount judicial responsibility.

Advocates of greater judicial power have gone further than the 1982 Constitution. Judicial advocates have lobbied for constitutionalizing the Supreme Court. This would have been the outcome of both the Meech Lake and Charlottetown constitutional proposals, which were happily defeated. Two trends, excessive political advocacy by judges that mark territory beyond the Constitution and lobbying for constitutionalization as a completely independent branch of government, have led in a strange way to the deplorable expansion of injudicious judicial public musing, lobbying and, worse, intemperate judicial conduct manifested in the advocacy language within decisions and with comments made by judges off the bench.

Why is this unacceptable under our carefully structured system of responsible government? Let me start by reading the careful words of an old friend and constitutional expert, Peter Russell of the Department of Political Science at the University of Toronto. In his article of some years ago entitled, "Judicial Free Speech: Justifiable Limits," Professor Russell wrote the following:

The very core of free speech in a democratic society is the right to engage in public debate on the political issues of the day. Surely at the heart of democratic citizenship are political advocacy and dissent, putting forward one's own political ideas and criticizing others, and supporting and attacking policies, parties and governments. Yet, it is precisely this kind of political speech so essential to a free and democratic society that should be denied to our judges.

Why should this be? The answer can be formulated in terms that will be all too familiar to Canadian judges: this limit on their free speech is reasonable and demonstrably justified in a free and democratic society. Let me proceed with the demonstration.

The objective of the limit is the maintenance of an independent and impartial judiciary — an objective of supreme importance in a liberal democracy. Liberty depends on enjoying rights under law. Further, when disputes arise about these rights, liberty requires that the dispute be adjudicated by a third party who is neither bound nor partial to either of the parties to the dispute. It is the judiciary's function to provide such adjudication. To do so, the judiciary must be as independent and impartial as possible.

Judicial independence and impartiality cannot be absolutes. Judges, individually and collectively, are independent in many ways on other parts of the state for, among other things, their appointments, material support of themselves and their institutions, and enforcement of their judgements. Nevertheless, a liberal democracy endeavours to maximize independence by establishing institutional arrangements and practices that protect the judiciary from any outside interference, direct or indirect, in performing their adjudicative function.

Honourable senators, in exchange for independence, judges must exercise a self-discipline, both on the court and off, that is not required of senators. All senators are admonished by the Senate rules to be courteous and refrain from personal, sharp, taxing language and to withdraw exceptional words with apologies. This advice could be better applied to judges who have differing opinions, especially when Supreme Court of Canada judges have differing opinions from those of judges in the lower courts and use excessive language or personal or intemperate language to overturn lower court decisions.

As the great Benjamin Barton Cardozo, an exemplar of judicial behaviour, a great American jurist who sat on the Supreme Court in the United States, put it, judges must cultivate,

"a judicial temperament," all in aid of impartiality and public acceptance of the independent role of the courts.

Therefore, honourable senators, self-restraint and temperate language are hallmarks of a judicial temperament. To again quote Peter Russell:

If judges were free off the bench to push for or against changes in public policy, or to support or oppose politicians, political parties or governments, then it is doubtful that they would maintain any credibility as third party adjudicators. Judges will have opponents on virtually any of the public issues on which they might take a public stand who will expect a fair hearing when they come to court. Legal questions may become the subject of adjudication. Outside this forbidden area there is plenty of scope for judges to write, speak and otherwise express themselves. In the field of legal scholarship they can, and often do, contribute to legal and judicial history and biography. Analyses of legal issues of contemporary relevance are much more questionable as they will likely be seen as committing the judge to a hard position on a particular subject before it is argued in court. Addresses or essays by judges re-explaining or "clarifying" decisions they have previously made on the bench should be avoided like the plague. Rather than clarifying the law, such efforts would more likely set up a confusing set of authorities parallel to the judicial decisions themselves.

Then, of course, outside of law there are many realms of expressive activity in which judges are entirely free to engage. Art, history, literature, music, philosophy, religion, science and sports — in all of these fields, Canadian judges have in the past made distinguished — and undistinguished — contributions. Let us hope they will continue to do so in the future as unfettered in their freedom of expression as any other citizen!

Honourable senators, another great American jurist, Felix Frankfurter, also of the Supreme Court of the United States, himself a strange mixture of personal, if hidden activism, was yet a strict constructionalist when it came to the American Constitution. He entered these instructive words in his diary, dated January 11, 1943:

When a priest enters a monastery, he must leave — or ought to leave — all sort of worldly desires behind him. And this Court has no excuse for being unless it is a monastery.

Honourable senators will forgive me the use of that quotation, written in 1943, because it lacks gender-sensitivity. If you substitute the words "nun" for "priest" and "nunnery" for "monastery," I think all senators will be more gently persuaded of Felix Frankfurter's idea.

Honourable senators, what can we do when one can fairly conclude, after a fair read of the current controversy between Mr. Justice McClung and Madam Justice L'Heureux-Dubé and their respective decision, that both justices fell below standards of appropriate judicial self-restraint — Justice McClung in his obviously injudicious letter, and Madam Justice L'Heureux-Dubé in her injudicious or intemperate language in her decision? I say with some caution, "injudicious" or at the very least intemperate, because, on a fair reading, it moved beyond self-restraint to avidly advocate possibly holding the judiciary in the lower court up to public contempt. If her judgment could very likely or possibly damage public confidence in that lower court, its partiality on other matters may come into question.

I turned to several guides for curbing injudicious conduct: the comprehensive and cogent report prepared for the Canadian Judicial Council by a classmate of mine, Professor Martin L. Friedland, entitled, "A Place Apart: Judicial Independence and Accountability in Canada"; a fine work, entitled, "The Judiciary in Canada," by Peter H. Russell; a little-known but interesting study by Mr. Justice Jules Deschenes, entitled, "Masters In Their Own House: A Study On the Independent Judicial Administration of the Courts"; and a recent very fine work by a Professor W.A. Bogart, entitled, "Courts and Country." All of the principles articulated by Peter Russell that I have quoted are amplified in abundance in these informed works. Judges must be independent by the absolute appearance of impartiality. They must stand outside the daily political fray. They must be careful and judicious in their conduct off the bench, and temperate and careful in their written judgements.

My former teacher and jurist, the late Chief Justice of Canada, Bora Laskin, was adamant on this point: Judges should only speak through their decisions; they should not amplify or detract from their decisions. This has not been a course of conduct that has been followed of late by senior judges, not only those on the Supreme Court of Canada but elsewhere. Obviously, this has been a matter of some great debate.

Let me quote from footnote 14 at page 362 of Professor Friedland's book, *A Place Apart: Judicial Independence and Accountability in Canada*. It deals with the issue of judicial free speech. You will forgive me if I quote this footnote in full because I am sure judges will want to re-examine it. This is on the question of the utilization of free speech. It reads:

Supreme Court Justices McLachlin, Sopinka and Wilson are recent examples.

This is the question of utilization of free speech. Professor Friedland went on to state:

See A. Wayne MacKay, "Judicial Free Speech and Accountability: Should Judges Be Seen but Not Heard?" (1993) 3N.J.C.L. 159 at p. 180. See also Sean Fine, "More Judges Dare to Break Silence Away From Bench," *Globe and Mail* (13 November, 1993). Compare the statements of

Chief Justice Bora Laskin and Justice Sopinka, as quoted in MacKay at p. 173:

In a speech by Justice Sopinka, "Must a Judge be a Monk?"

This was addressed to the Canadian Bar Association on March 3, 1989. At page 8, Justice Sopinka said:

While I support the rationale for some restrictions on speech, the public must also realize that judges do have views on issues and must have the confidence that the judiciary is capable of setting aside personal political views when such views threaten to interfere with their impartiality in deciding particular cases.

This was his assumption for speaking out. The footnote continues:

In contrast, Chief Justice Bora Laskin, in "Berger and Free Speech of the Judge" an address to the Canadian Bar Association Annual Meeting in Toronto, in September, 1982, at page 10 stated: "Surely there must be one stance, and that is absolute abstention, except possibly where the role of a court is in itself brought into question. Otherwise, a judge who feels so strongly on political issues that he must speak out is best advised to resign from the bench. He cannot be allowed to speak from the shelter of a judgeship."

In chapter 9 of *The Court in Country*, entitled "The Charter: Invigoration of Rights, the Enfeebling of Democracy?", he quotes again from the late Justice John Sopinka:

Currently in Canada we do have judges who regularly accept speaking engagements. I believe this practice ought to be encouraged as it provides an excellent forum for the public to learn more about their judges, and the courts which govern their lives. As custodians of the Charter of Rights, judges are now performing a supreme public service."

The author goes on to say this about that quote:

How do we test the claim of 'supreme public service' in terms of ordinary Canadians in their everyday lives as others attempt to provide them with health care, educate their children, keep their streets and parks safe and clean, strive to establish safe and equitable work, all under the aegis of divisions of government other than the courts?

He goes on to say:

In bluntest terms, two very different models of democracy are at stake.

I will not continue to quote from that, but I suggest all senators read that chapter because it is very illuminating. There is, honourable senators, a major division within the judiciary and within the country about the role of judicial advocacy.

By the way, Professor Friedland, the late Mr. Justice Sopinka and I were all classmates at the University of Toronto at the same time. We were all students of the late Bora Laskin, which only goes to show you that friends can differ.

On reviewing the role of the Canadian Judicial Council, I was reminded of its clear-cut origins. My good friend, Professor Friedland, reminded me that I was involved somewhat indirectly in the political discussion that led to the establishment of that council. Honourable senators will recall that the former prime minister, the Right Honourable John Turner, then minister of justice and attorney general — and, if I may add as an aside, probably the one of the greatest ministers of justice we have had since Confederation —

The Hon. the Speaker: Honourable Senator Grafstein, I regret to interrupt you, but the 15-minute speaking period has expired.

Senator Grafstein: May I have leave to continue, Your Honour?

The Hon. the Speaker: Is leave granted?

Hon. Marcel Prud'homme: Honourable senators, earlier today, I was asked, and I cooperated and gave my consent, to cut three speeches. I have no objection to the honourable senator continuing because people may think it is personal, but I would like to know to what I am saying yes to. Is it a long yes? We are civilized and we can permit the senator to finish, but earlier many of us cut our own speeches.

Senator Grafstein: I need several minutes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Please continue.

Senator Grafstein: I thank you, Senator Prud'homme and others.

John Turner was then minister of justice and he was seized of this particular problem arising out of the Landreville affair. I will not belabour that issue, but there was controversy about removing Judge Landreville. I was a volunteer advisor to the minister at that time. Mr. Turner concluded the methodology of impeaching judges was not spelled out in the Constitution and decided that an inquiry should be held by a single judge. This, he concluded after the inquiry, was a very unsatisfactory methodology. Hence, the establishment of the Canadian Judicial Council, made up of judges' peers, to make a preliminary determination of whether or not a judge should be impeached for conduct unbecoming a judge — that is, for bad behaviour under the Constitution.

The question that Senator Cools raises is: What is the appropriate method of criticizing the behaviour of judges who allegedly fall short of behaviour within the meaning of section 99

of the Constitution Act, 1867, warranting removal from office? In 1994, the Canadian Judges Conference stated:

The conference considers it appropriate that the Judicial Council's present practice of expressing its disapproval of conduct falling short of good behaviour is within the meaning of section 91, 99, and the Constitution Act of 1867 as amended.

In effect, the judges are suggesting that criticism and even censure by its Judicial Council is the appropriate methodology of constraining judges in terms of conduct both on and off the bench. In turning to the debate of Parliamentarians when the bill was established, it was clear that Mr. Turner intended the Judicial Council would have a wider mandate than merely acting as part of a process leading to the impeachment or removal of a judge.

Senator Cools says — and rightly so — that she questions the independence of the Canadian Judicial Council since the council is comprised only of members of the Supreme Court and other senior judges. The Supreme Court might be the subject-matter of a complaint, as in this case the current controversy between Justices McLung and L'Heureux-Dubé. In examining provincial judicial councils, it appears the Canadian Judicial Council is the only council that is comprised of judges alone. There are no outside auditors or members independent of the judiciary on the Canadian Judicial Council, unlike all of its provincial counterparts.

Thus, for the sake of impartiality, one can conclude that a complaint lodged would, of necessity, as I pointed out to Senator Cools, require judges of the court being criticized to excuse themselves from any inquiry of such complaint. However, this still would not wholly satisfy any objective test of impartiality.

I conclude, honourable senators, that perhaps one of the reforms that the government might consider to deal with Senator Cools' very excellent exegesis might be an amendment to remake the Canadian Judicial Council to deal with conflicts in a transparent way and appoint non-judges as well as judges from other jurisdictions to such inquiries.

Honourable senators, we have been blessed in this country with an outstanding judiciary, appointed like senators, who maintain the appearance and the essence of impartiality. The vast majority work diligently within their prescribed constitutionally granted duties. The vast majority exercise self-restraint, both on and off the bench, and enjoy a judicial temperament. Still, it might be incumbent upon the Attorney General, the Minister of Justice and this government to consider amendments to the Canadian Judicial Council. It would elevate the public's trust in the judiciary's impartiality and independence and more carefully delineate the parameters of appropriate criticism of judicial conduct in its decisions on the bench and its conduct off the bench.

Honourable senators, I gave some thought to the Senate establishing a judiciary committee that would exercise parliamentary oversight on these matters. Maybe this is an idea whose time has come.

Hon. John. B. Stewart: Honourable senators, I thank Senator Grafstein for a very thoughtful address on an extremely important topic. I have a question for him.

•(1740)

I realize that in the United Kingdom statute law is supreme. That, of course, makes the circumstance there different from the circumstance in Canada, where there has been judicial review from 1867 on federal questions and, latterly, on Charter questions.

Has my honourable friend had an opportunity yet to look into the British experience with judges who fail to recognize the limits of their competence?

Senator Grafstein: The Honourable Senator Stewart raises an important point. I have not done a thorough study of this question in terms of judges' conduct. All I can give is anecdotal information that I have derived from reading statements, books and articles written by various judges.

When one examines that, one will see that the judiciary in England has another issue that has come to life; that is, that senior judges there sit in the House of Lords. They are admonished to have, in effect, Chinese walls between their conduct affecting the matters that might come before them. However, they have a very mixed system.

Having said that, there is still a written and unwritten philosophic position that judges should exercise self-restraint when it comes to political issues that would or could possibly relate to their judicial functions.

As I say, the English case is somewhat spotty. However, there is no question in my mind that we carefully navigate between a judiciary that is independent and impartial yet at the same time under the umbrella of Parliament. Our system is unique.

The American principle of judicial temperament and self-restraint, which was picked up from the common-law experience, was well established in Canada up until 1982. After 1982, judges have taken upon themselves political roles that go beyond the narrow confines of the Constitution.

That is why, after some deliberation, I concluded that, perhaps, the best way to deal with this, if the judicial council were not ample enough, is to have parliamentary oversight of this matter.

Honourable senators, when I raised this question with a number of academics, as I have, they all said to me, "The idea is excellent, except for one thing: The problem with raising it under our system of a judicial committee is that we might be inviting judge-bashing. We might use intemperate and political language ourselves to bring the judiciary into disrepute." That is why they felt more comfortable with having a Senate committee deal with this issue as opposed to a committee of both places.

I hope Senator Cools will take what I am about to say as a fair comment. If we are to criticize judges, which I think we are able

to do, then we must exercise self-restraint. I keep saying to myself that if we are to move into this very dangerous territory of somehow criticizing judges for their impartiality, then we have to do so with great delicacy and self-restraint. I am comfortable in this place that, over the course of time, we have been able to do that.

I hope Senator Cools, who I complimented at the beginning of my speech, would exercise the same self-restraint in criticizing judges that she expects from judges who are on the bench.

On motion of Senator Kinsella, for Senator Nolin, debate adjourned.

[Translation]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE OF DELIBERATIONS

Leave having been given to revert to Notices of Motions:

Hon. Lise Bacon: Honourable senators, I move, seconded by the Honourable Senator Maheu:

With leave of the Senate and notwithstanding rule 58(1)(a), that the Standing Committee on Transport and Communications be authorized for its study of Bill C-55, respecting advertising services supplied by foreign periodical publishers, to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

The Hon. the Speaker: Is leave granted, honorable senators?

Hon. Senators: Agreed.

Motion agreed to.

[English]

ROLE OF CANADIAN JUDICIAL COUNCIL

MEDIA COMMENTS—INQUIRY—DEBATE CONTINUED

Hon. Anne C. Cools rose pursuant to notice of Thursday, March 18, 1999:

That she will call the attention of the Senate:

(a) to the letter to the editor in the *National Post*, March 13, 1999, entitled "Fair Hearing," written by British Columbia Chief Justice Allan McEachern, the Chairperson of the Canadian Judicial Council's Judicial Conduct Committee, responding to the March 10, 1999 *National Post's* editorial "Hardly Impartial" about Mr. Justice John Wesley McClung, Madame Justice Claire L'Heureux-Dubé, and the Canadian Judicial Council;

(b) to the continuing public controversy about Alberta Court of Appeal Justice John Wesley McClung, and Supreme Court of Canada Justice Claire L'Heureux-Dubé, and the media reports of same;

(c) to the interview and the comments of Chief Justice Allan McEachern as reported in the *Lawyers Weekly* February 26, 1999 article "Judges Must be Cyber-Warriors";

(d) to the matter of justices' public statements in the media; and

(e) to the concept and principles of judicial independence and to Parliament's rights in these matters.

She said: Honourable senators, I rise to speak about British Columbia's Chief Justice Allan McEachern's letter to the editor of the *National Post*, March 13, 1999, entitled, "Fair Hearing" about the Alberta Court of Appeal Justice John Wesley McClung and Supreme Court of Canada Justice Claire L'Heureux-Dubé matter, and the Canadian Judicial Council.

Chief Justice McEachern is the chairperson of the Canadian Judicial Council's Judicial Conduct Committee and an important and capable judge. Chief Justice McEachern's letter states:

More important, though, Chief Justice Lamer does not participate in the consideration of complaints against judges of his or any other court. Indeed, the council's bylaws prevent it in all cases except where he believes his participation is required in the public interest. Even in such matters, he would, after considering the public interest, probably disqualify himself if his participation would create a reasonable apprehension of bias.

Honourable senators, Chief Justice McEachern is a fine judge, and a fine man. However, the fact is that Canadians expect their justices to be judges and not politicians.

Our principles and Canadian parliamentary responsible government democracy have maintained that justices' participation in public and political controversy is undesirable and forbidden. Public posturing by justices is objectionable. That many good justices are now compromised and in a terrible position is the making of some judges. This is a new and current problem, a post-Charter of Rights and Freedoms problem.

The current problem of judicial activism is best understood by pondering former prime minister Pierre Elliott Trudeau's mature, retrospective reflections on the Supreme Court decision in the 1981 *Patriation Reference*.

In 1991, at the opening of the Bora Laskin Law Library at the University of Toronto, an insightful Pierre Trudeau spoke about this decision and its constitutional, legal and political problems, and the role of the Government of Quebec. He told us that had the Supreme Court not played politics and had given a legal

decision to which Canadians were entitled, and not a political one, that:

...Canada's future would have been more assured.

About the role of the Supreme Court in this decision, Mr. Trudeau said:

...it is not a role to which a court of law striving to remain above the day-to-day currents of political life should aspire.

Mr. Trudeau gave us a solemn and ponderous criticism of the court, saying:

...they blatantly manipulated the evidence before them so as to arrive at the desired result. They then wrote a judgment which tried to lend a fig-leaf of legality to their preconceived conclusion.

Amazing words for a former prime minister, "...a fig-leaf of legality to their preconceived conclusion."

Honourable senators, Chief Justice McEachern's letter offers his reassurance to the public of the justness, process and proper form of the Canadian Judicial Council, but his letter itself is not in proper form.

•(1750)

Understandably, he seeks the public's confidence in his integrity and in the integrity of those members of the Judicial Council who examine complaints. He asks for public confidence in Chief Justice Antonio Lamer. However, the problem eludes him. The problem is that that very confidence and trust which he seeks, a trust on which the system is founded, has been undermined, and has been undermined by some justices themselves in their unrelenting and persistent forays into public policy and into politics.

Further, his own public letter compounds it and consequently prompts my response. Chief Justice McEachern proves that something is very wrong in the judicial condition of Canada, and that something is needing correction. Chief Justice McEachern's letter exacerbates the current confusion about the difference between principles and interest, and between the legal, the judicial, and the political.

Honourable senators, I turn now to the judicial condition in Canada. Judicial activism has been aggressive and dominant for the past decade. Justices have galloped into every aspect of public policy, displacing and replacing parliamentarians as decision makers of public policy and as determiners of the public interest. Judges have become judicial lawmakers, even dispensers of the public treasury, and have charged millions of dollars to taxpayers in disregard of the principle of accountability of the public treasury to Parliament for public expenditures, and in disregard of the principle of the consent of the governed. Some judges have made themselves judicial legislators, supreme parliamentarians — all without accountability.

The cause of this controversy which burst into national consciousness is the fact that many justices have exceeded their proper constitutional limits, their proper judicial limits, and have used the Charter of Rights and Freedoms and other ideologies to take over political and parliamentary ground. Having aggressively moved onto political ground, they cannot now plead mercy or exemption from the consequential political, public and journalistic fallout on the grounds of being high court justices. Neither can they plead confidence in this judges' or that justices' personal integrity. The problem is in the judicial condition of Canada. Judicial activism has been vigorous in family law and in criminal law, and has reshaped Canada in the vision of the reshaping justices. It is this judicial condition that has given rise to the current situation of Justice McClung and Justice L'Heureux-Dubé.

Honourable senators, here, on March 4, 1999, I said that Mr. Justice McClung has had many judgments assailed by the Supreme Court. In one of these, the 1996 *Vriend v. Alberta*, Justice McClung said at page 619:

As I have said, none of our precious and historic legislative safeguards are in play when judges choose to privateer in parliamentary sea lanes. ... Judicial restraint in the use of legislative power is not a fresh topic.

Justice McClung speaks of the piracy of judges in Parliament's business and its consequent erosion of the body politic to the institutions and to justice itself. As a senator and a member of Parliament, I have a special role in the superintendence of the behaviour of justices. It is my bounden duty to uphold the independence of justices and to protect justices from personal or political attack. I believe that justices must uphold the same principles.

I note that when Justice McClung's decision in *Vriend* was before the Supreme Court, it was assailed. I note that the Alberta government's lawyer, John McCarthy, was treated quite harshly. On November 4, 1997, in one statement by Justice Frank Iacobucci to Mr. McCarthy during his submissions, Justice Iacobucci said, as recorded at page 115 of the transcript:

We are taking from all of this that there is a new doctrine called the McCarthy Doctrine, that statutory non-feasance is not covered by the Charter.

The "McCarthy Doctrine," named after the Alberta government's lawyer, counsel for Alberta's Attorney-General, counsel for the people of Alberta.

Honourable senators, on judicial activism, I note in today's *Ottawa Citizen* an article about a speech by Justice Iacobucci entitled "Supreme Court judge defends judicial activism." I shall speak to this matter in the future.

Honourable senators, the Supreme Court led in this judicial activism, claiming the Charter as its command, and using it as both shield and sword. Chief Justice Lamer's public media pronouncement declares that Parliament commanded this. Some clarification is needed. The Charter made no such command.

Further, Parliament did not order, intend, or even anticipate that the courts and the justices would engage as they have. In fact, the forays of justices into the legislative function, complete with judgments and inevitable negative consequences, can only be described as a judicial coup d'état. This is a judicial usurpation of legislative power and function. It is a diminution of Canadian citizens' representative rights in public policy. It is constitutional vandalism.

This consequential imbalance in the body politic, a pathology, lies at the heart of this controversy around feminist activist Justice L'Heureux-Dubé's concurring judgment in *R. v. Ewanchuk* and its pointed attention on traditionalist Justice McClung. Many justices have succeeded in their judicial activism in the courts, sometimes with the support of certain politicians and attorneys general who have allowed the courts to become instruments of public policy while confident of their parliamentary party caucus disinclination to hold them responsible to Parliament.

In a speech to the Canadian Bar Association, excerpted in *The Ottawa Citizen* of August 27, 1998 in an article entitled "Curb the Judicial Godzillas," former Minister of Justice and Attorney General John Crosbie described this judicial piracy, saying:

... the judges in Canada are the godzillas of government with the legislative and executive branches becoming the Mickey Mouse of government.

With success on the bench behind them, many justices have carried this judicial activism beyond the bench and into public domain in the daily media, posturing and pronouncing. I note that Chief Justice McEachern attempts to uphold Chief Justice Lamer's role in the functioning of the Judicial Council. Chief Justice McEachern's magnanimity and fair-mindedness is worthy, but the public mind knows what it has been hearing and seeing, and the public mind is judging.

The public frequently sees and hears Chief Justice Lamer pronouncing publicly on public policy, even public bills. For example, in an August 29, 1997 *Lawyers Weekly* article, Chief Justice Lamer opined about a unanimous Senate vote on Bill C-42, 1996, as follows:

I don't think that criticism was valid, and I don't think that most members of the Senate agreed with that criticism ...

Now Chief Justice McEachern adds his own words about Chief Justice Lamer's interest to this current controversy. He raises Chief Justice Lamer's flag, as the trustee of the public interest. That is the problem; the public interest is a political concern, not a judicial one or a legal one. Chief Justice McEachern asks for trust, but his letter fuels the mistrust.

Honourable senators, Chief Justice McEachern, by his letter, achieves the opposite of his very good intention. The problem is this public political activity of Canadian justices, and that Canadians disapprove of it. Because of aggressive, often ideological activism, the proper relationship between Parliament and the judiciary has been disturbed and is now impaired and

damaged. Within the judiciary itself, the proper relations between the justices themselves and their courts have been disturbed, as proved by this controversy. Inevitably, as a consequence of these impairments, the proper relationship between justices and litigants, justices and accuseds, has been disturbed. That is at the heart of the controversy. Is there justice for the citizen — an accused, a plaintiff, a defendant — in our courts and before certain judges? These questions haunt. Did the accused in *R. v. Ewanchuk* get justice in that case? Did activism, ideology, and ideological feminism have a role? If so, what role, and who answers these questions?

Honourable senators, Chief Justice McEachern's letter proves the public's awareness of its own entitlement to a proper functioning judiciary, impartial from ideological and other political crusades. The Judicial Council was created by the Judges Act, Part II, sections 58 to 65. These sections never contemplated current Charter activism, nor current ideological curial warfare on the bench or in the public. Those sections did not anticipate court judgments as ideological instruments or curial battles within judgments and within courts. The Judicial Council is an agent of the sovereign, the executive, not an agent of the people. It is the creature of two members of the executive, the Minister of Justice and the Chief Justice of the Supreme Court. Chief Justice McEachern's letter proves this.

• (1800)

The Chief Justice of Canada is a member of the Privy Council of Canada, and formerly was a member of the United Kingdom's Privy Council and is currently the Deputy Governor General of Canada, giving assent to bills in the Senate. The Judicial Council is and embodies the executive's and the cabinet's interest in the administration of justice. The Judicial Council does not embody the public interest or the public's representative interest, only the executive's interest in justices' behaviours. Parliament alone represents the public's and citizens' representative interest.

This was the political and constitutional *raison d'être* behind the *Act of Settlement, 1701* and Canada's *Constitution Act, 1867*, section 99, which assigned that public interest that representative interest to Parliament, as against the executive's interest in the behaviour of judges. Section 99(1) reads:

...the Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

The Hon. the Speaker: Honourable Senator Cools, I regret to have to interrupt you, but it is six o'clock. Unless there is agreement not to see the clock, I will be forced to leave the Chair.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I believe there is agreement not to see the clock.

The Hon. the Speaker: Please continue, Senator Cools.

Senator Cools: Honourable senators, the Judicial Council is not competent to adjudicate this conflict of judgments and

ideologies between Justice McClung and Justice L'Heureux-Dubé or any other related complaints because the Judicial Council has no public representative role in the matter. Those provisions about justices judging justices are not consistent with judge's current Charter roles, political roles that some have assumed improperly. The Judicial Council as constituted and headed by Chief Justice Lamer does not represent the public interest in justices' relations to each other — only Parliament does.

Honourable Senators, as Mr. Trudeau said, Canadians have a right to expect judgements from judges based in law, not judges' subjective values, preferences or beliefs about the public interest.

In closing, I shall illustrate my point about the political nature of this controversy. I had said that judicial activism is rampant in family law and criminal law. About family law and the non-custodial parents, usually fathers, Justice L'Heureux-Dubé in her reasons for judgement in the 1993 Supreme Court case *Young v. Young*, wrote:

Thus, the role of the access parent is "that of a very interested observer, giving love and support to [the child] in the background." (*Pierce v. Pierce*), [1977] 5 W.W.R. 572 (B.C.S.C. in chambers), at p.575.

Honourable senators, no law ever enacted by this Parliament, or any common law, or any rule of law ever authorized the relegation of good fathers, post divorce, to the status of "observers" in their children's lives. Some justices have been interposing their own wishes on the country and have been ruling the country from the bench. A clear articulation in this vein was made by Justice John Wesley McClung, who has declined to join the activists, when, in his 1996 Alberta Court of Appeal judgement in *Vriend v. Alberta*, he wrote:

This is because of the spectre of constitutionally hyperactive judges in the future pronouncing all of our emerging rights laws and according to their own values; judicial appetites, too, grow with the eating.

Honourable senators, judges should not be cyber-warriors, nor warriors of any kind. Warring of all kinds is politics, usually bad politics.

On motion of Senator Carstairs, for Senator Sparrow, debated adjourned.

NEWFOUNDLAND AND LABRADOR

FIFTIETH ANNIVERSARY OF CONFEDERATION—INQUIRY

Hon. Ethel Cochrane: Honourable senators, on March 31, which is an exciting day for all of us, we will celebrate the fiftieth anniversary of Newfoundland's entry into Confederation with Canada — a date different from what was originally planned. As S.J.R. Noel stated in his book on the political history of the province, *Politics and Newfoundland*:

The agreement was scheduled to come into effect on 31 March 1949. It had originally been scheduled for 1 April, the beginning of the Canadian fiscal year, but was changed to avoid holding the anniversary of Confederation on April Fool's Day.

There is a very human element to the celebration of this anniversary, which sets it apart from the celebration of Confederation elsewhere in Canada. Most of the provinces joined together in the 19th century, or at the latest, in the cases of Alberta and Saskatchewan, in 1905. However, because Newfoundland and Labrador joined so recently, many of the citizens of our province who will be marking this occasion were born before Confederation.

CBC radio host Marjorie Doyle reminded us of this in a recent article in *The Globe and Mail*. She wrote:

Every Newfoundlander over 50...was born a Newfoundlander. Those who are 65 were teenagers at the time of Confederation. Those who are 70 and older voted...Pause a moment to think of the Newfoundland people that night...those who'd voted yes and those who'd vote no, those on both sides who were full of lingering uncertainties. Think of them going to bed that night Newfoundlanders and waking up the next morning in a new country.

It was a momentous decision to give up on independent dominion status and join with Canada in 1949, and it was a decision that took well over eight decades to make. Newfoundland flirted with Confederation in the 1860s and sent representatives to the Quebec conference, but ultimately decided not to join. Mr. Rand Dyck summarized the situation in his book *Provincial Politics in Canada*. This is what he wrote:

Newfoundland's geographic separation, the irrelevance of issues such as railways, Fénian raiders and possible American invasion, its strong national pride and its tendency to look eastward to Britain rather than westward to Quebec, were all factors which discouraged any move toward joining in Confederation....The election of an anti-Confederation Government in Newfoundland in 1869 effectively put an end to that issue for many years.

Honourable senators, times do change. Newfoundland proposed to join Confederation in 1894, but at that time, it was rejected by Canada.

Forty years later, in 1934, Newfoundland was virtually bankrupt — as were some Canadian provinces like Alberta and Saskatchewan — and Britain suspended dominion status and imposed government by commission directed from London.

The years of commission government from 1934 to 1949 were viewed as a benevolent dictatorship. The commission consisted of three Newfoundland commissioners and three sent from Britain, plus the governor, who was appointed by Britain.

In 1934, Sir Murray Anderson, who had been governor in the dominion government, remained in place as the first governor of the commission government. The British provided competent administration and considerable financial assistance for the colony, but there was very little contact between the commission and the people, little in the way of innovative policy, and continuing poverty.

•(1810)

The number of people living on relief continued to increase until 1939. There was growing public opposition to its commission. There is evidence that not all of the commissioners were entirely happy with their role, either. Noel quotes one of the early British commissioners, T.L. Lodge, who published a book in 1939, entitled "Dictatorship in Newfoundland." Lodge wrote the following about this commission that was sent over from Britain:

I had no particular desire to go to Newfoundland. The Treasury brought to bear upon me as much pressure as they normally do in regard to appointments of less than first-class importance, and in the end I agreed.

The situation in Newfoundland changed significantly with the outbreak of World War II. A British-American agreement resulted in the establishment of three American military bases on the island, which brought both construction and consumer spending. Several new Canadian bases were also built. In addition, the price of fish increased and suddenly Newfoundland was, if not prosperous, at least solvent. By 1942, there was a budget surplus. Think of that. The government began to improve services.

In 1946, with the economy in better shape as a result of the war effort, especially and ironically because of the spending boom generated by the American military bases, a national convention was formed to make recommendations on Newfoundland's future form of government. There is continuing debate about whether the convention was a serious exercise in national decision making by the citizens of Newfoundland and Labrador, or just a charade to mask a predetermined decision by Britain and Canada.

Some historians argue that Joey Smallwood had been chosen before the end of the war to lead a pro-Confederation movement and given financial backing by the Liberal Party of Canada. Certainly, at the end of the war, Britain was itself in difficult financial circumstances and eager to be rid of responsibility for our colony. Canada had learned during two world wars about the strategic significance of Newfoundland.

In any event, the convention did meet and its 45 delegates proposed a referendum to choose between commission government or a return to responsible government and dominion status. By a vote of 29 to 16, the delegates decided not to include the option of confederation with Canada. Smallwood railed against the "29 dictators" and organized a mass petition to protest their decision. Britain took advantage of the petition to include the Confederation option on the ballot.

Honourable senators, you know the result. It took two ballots in two very divisive referendum campaigns, but in the end the voters of Newfoundland chose Confederation by a slim 52.3 per cent majority. In fact, a return to responsible government had been the most popular option in the first ballot, getting 44.5 per cent of the vote to 41.1 per cent for Confederation. When continued commission government was dropped off the second ballot, Confederation won the day.

The story has also been told, in fact, by Jack Pickersgill himself, that prime minister Mackenzie King was, at first, reluctant to accept such a slim declaration of faith in Canada. However, Pickersgill, who was secretary to the prime minister at the time, pointed out to King that the margin of victory for Confederation was larger than King's margin of victory in his election campaign. Therefore, Confederation came to be.

To understand why that result was so close, you must understand that much of the opposition to Confederation was based not on dislike or antipathy to Canada, but on apathy. I am indebted here to a delightful article in the August-September 1996 issue of *The Beaver*, by C.J. Fox, entitled "A Glorified Stall: Newfoundlanders rant and roar over Confederation, 1946-48."

Mr. Fox is the son of Newfoundland Supreme Court Justice Cyril James Fox, who initially chaired the national convention in 1946, but unfortunately died halfway through the proceedings. This is what his son writes:

To many Newfoundlanders in the early 1940s, Canada seemed a distant and vapid entity despite the fact that its servicemen assumed an unruly presence in the colony after Ottawa had been finally persuaded of the island's strategic value and military vulnerability. Newfoundland's face was still turned to Britain, her back to the Gulf, and on our few highways we proudly drove to the left.

There was, however, another and increasingly conspicuous force at work in our midst serving to obscure the Canadian factor. This was the U.S.A. whose crisply uniformed sons — the Canadians were drably attired and drove ugly snub-nosed trucks — poured in. (Governor) Walwyn complained that, if anything, the Newfoundlanders are so dazzled by American dollars, hygiene and efficiency that many of the public rather play up to America in preference to Canada.

Fox goes on to quote from the book by David McFarlane, "The Danger Tree," on this period in Newfoundland history. He says:

Canada, to the anti-confederates, was a vast and incomprehensible place, an ocean of concern away. It was a pale, half-baked country — too large to make any sense and, for its size, too underpopulated to be of any importance. It was made up of people who lacked the spirit to be American

and the good sense to be true subjects of the British Crown....English Canada boasted an awkward and doomed alliance with the French in Quebec, and its' Ontario-based politicians spoke with flatulent rhetoric in accents flat as hayfields.

In the face of this decidedly apathetic view of the Canadians to the south and west, the movement to join with Canada desperately needed a champion, and they found one. There is surely no doubt that the most important factor in the outcome was the campaign led by Joey Smallwood.

Part of his success was his experience as a popular radio broadcaster, and he was aided tremendously by the commission's decision to broadcast proceedings of the convention.

His speaking ability gave Joey Smallwood a tremendous personal appeal that his anti-Confederation opponents could not match. Especially in the outports, he was treated as a new Messiah. I remember vividly, as a young girl of 12, during that time seeing pictures of Smallwood plastered all over the houses in our community.

However, honourable senators, there was more to Smallwood and the victory for Confederation than just his oratorical ability, and it is on this note I should like to conclude. What was it that Joey Smallwood offered to the people of Newfoundland? What did he use his rhetorical ability for? When he spoke of the advantages of Confederation, he promised family allowances. He promised old age pensions for the retired. He promised significant spending in Newfoundland on federal public works projects. Most important, he promised patronage. I quote Rand Dyck again.

His efforts were financed in part by the Liberal Party of Canada, on whose fundraisers he had previously called for assistance, and he was not above promising senatorships and other post-Confederation positions in return for local contributions.

Now, I would not have you think that this is simply the judgment of a cynical academic. During the convention debates, Smallwood was confronted by his arch-enemy, Peter Cashin, the leader of the anti-confederate forces. Cashin accused Smallwood of offering Canadian senatorships as bait to potential confederates and demanded an explanation. Mr. Smallwood gave this reply:

•(1820)

I like Mr. Cashin. I enjoy him. He fascinates me...I have no more senatorships to offer. I'm sorry, but I promise him faithfully, that if I should ever become Prime Minister of Canada...I'll see that he is fixed up. I'll see that he gets a position fully in keeping with his parliamentary background. I'll make him Gentleman Usher of the Black Rod. I'd give anything to see him all toggled off in those dinky black pantaloons and three-cornered hat.

The Hon. the Speaker: If no other honourable senator wishes to speak, this inquiry shall be considered debated.

TRANSPORTATION SAFETY

SPECIAL COMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): for Senator Forrestall, pursuant to notice of March 17, 1999, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, June 18, 1998, the date for the final report of the Special Senate Committee on Transportation Safety and Security, be extended to November 30, 1999.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, this motion in the name of Senator Forrestall has been on the Order Paper for some time. I believe Senator Forrestall was aware of the fact that I had a number of questions that I wished to ask of him.

If we do not pass at least part of this motion today, however, he and his committee will be in violation of the order of the Senate because he has only an extension at the present time until March 31, 1999. We will not be sitting on that date.

MOTION IN AMENDMENT ADOPTED

Hon. Sharon Carstairs (Deputy Leader of the Government): Therefore, it is my recommendation, and I so move in amendment, seconded by the Honourable Senator Callbeck:

That the motion be not now adopted but that it be amended by replacing the words "November 30" by the words "April 15."

Thus, I can then have an opportunity to question Senator Forrestall.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

The Hon. the Speaker: We are back to the main motion, as amended.

Is it your pleasure, honourable senators, to adopt the motion as amended?

Hon. Senators: Agreed.

Motion agreed to, as amended.

[Translation]

ADJOURNMENT

Leave having been granted to return to notices of motion of the government:

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 13, 1999, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 13, 1999, at 2 p.m.

APPENDIX

(see p. 2972.)

Document Tabled by Senator Pat Carney
During Consideration in
Committee of the Whole
on Bill C-76, to provide for the resumption of
and continuation of government services

On March 25, 1999, Honourable Pat Carney, P.C. received 37 phone calls from federal correctional institution officers in British Columbia, requesting that Bill C-76, which provides for the Treasury Board to write collective agreements, be amended to include the majority decision of the Conciliation Report.

Their names are as follows:

Joanna Schultz
Bernice Draft
Lisa Munro (Fernie, BC)
Jean Despecier (Agassiz, BC)
Gilles Brouillette
Mike Riddell
Ivan Garbellia — Kent Institution
Morgan Andreassen (New Westminster, BC)
Carol Goldie — Matsqui Institution
Shawn Dinger — (Chilliwack, BC)
Ernie Dombrowski — Matsqui Institution
Roseline Hussey — Matsqui Institution
Brenda Scott — Matsqui Institution
Randy Rast — Matsqui Institution
Allan Serdar — Matsqui Institution
Ovid Mac — Matsqui Institution
Cheryl Sharp (Abbotsford, BC)
Robert Lambert — Matsqui Institution
Andrew Vukusic — Matsqui Institution
Blair Davis — Matsqui Institution
Randy Dingra — Matsqui Institution
Dan Fyse — Matsqui Institution
Mike Hickman — Kent Institution
Andrew Marshall — Matsqui Institution
Rick Lindman — Matsqui Institution
George Pool — Matsqui Institution
Brian Krueger — Matsqui Institution
Norm Thibault — Matsqui Institution
Wally Van Vugt — Matsqui Institution
David Zeswick — Kent Institution
Bab Sanger — Kent Institution
Paul Greenhall — Kent Institution
Robert Waslinski
Walter Grehenko
Mol Army (Elbow Lake, BC)
David Laughlin (Chilliwack, BC)
Mark Bussey — Kent Institution

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Thursday, March 25, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications	98/04/02	four	98/05/27	98/06/18	20/98
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20	98/06/11	12/98
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16	98/05/12	06/98
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11 Senate agreed to Commons amendments 98/05/06	98/05/12	09/98
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce	98/02/24	one	98/03/19	98/06/11	13/98
S-16	An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	98/05/05	98/05/12	Foreign Affairs	98/05/28	none	98/06/02	98/12/03	33/98
S-21	An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts	98/12/01	98/12/03	Whole	98/12/03	one at 3rd	98/12/03	98/12/10	34/98
S-22	An Act authorizing the United States to preclear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health	98/12/01	99/02/11	Foreign Affairs	99/03/24	four			

S-23	An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier	98/12/10	99/02/03	Transport and Communications	99/03/11	none	99/03/16
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**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-3	An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts	98/09/30	98/10/22	Legal and Constitutional Affairs	98/12/08	none	98/12/09	98/12/10	37/98
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18	98/02/26	Agriculture and Forestry	98/05/14	five	98/05/14	98/06/11	17/98
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce	98/02/24	none	98/02/25	98/03/31	01/98
C-6	An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts	98/03/18	98/03/26	Aboriginal Peoples	98/06/09	none	98/06/18	98/06/18	25/98
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-8	An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas	98/03/17	98/03/25	Aboriginal Peoples	98/03/31	none	98/04/01	98/05/12	05/98
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	36/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	Social Affairs, Science & Technology	98/06/04	none	98/06/08	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	Transport and Communications	98/06/10	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	none	97/12/17	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	Transport and Communications	98/03/25	none	98/04/29	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs	98/04/02	none	98/04/28	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	Social Affairs, Science & Technology	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/09/24	98/11/17	Banking, Trade and Commerce	98/12/03	none + two at 3rd	98/12/10 Commons amendments referred to Committee 99/02/11	99/03/11	02/99
C-21	An Act to amend the Small Business Loans Act	98/03/19	98/03/25	Banking, Trade and Commerce	99/02/16	concur in Commons amendments	98/03/31	98/03/31	04/98

C-22	An Act to implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04	—	—	—	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97
C-25	An Act to amend the National Defence Act and to make consequential amendments to other Acts	98/06/11	98/06/18	Legal and Constitutional Affairs	98/11/24	one	98/12/01	98/12/10	35/98
C-26	An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act	98/06/08	98/06/16	Agriculture and Forestry	98/06/18	none	98/06/18	98/06/18	22/98
C-28	An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act	98/04/28	98/05/12	Banking, Trade and Commerce	98/06/04	none	98/06/16	98/06/18	19/98
C-29	An Act to establish the Parks Canada Agency and to amend other Acts as a consequence	98/06/03	98/06/15	Energy, the Environment and Natural Resources	98/10/20	none	98/11/19	98/12/03	31/98
C-30	An Act respecting the powers of the Mi'kmaq of Nova Scotia in relation to education	98/06/11	98/06/16	Aboriginal Peoples	98/06/18	none	98/06/18	98/06/18	24/98
C-31	An Act respecting Canada Lands Surveyors	98/05/07	98/05/26	Energy, the Environment and Natural Resources	98/06/09	none	98/06/10	98/06/11	14/98
C-33	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	98/03/18	98/03/25	—	—	—	98/03/26	98/03/31	02/98
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/03/18	98/03/26	—	—	—	98/03/31	98/03/31	03/98
C-35	An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act	98/12/07	99/02/17	Foreign Affairs	99/03/24	none	99/03/25	99/03/25	12/99
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/17	98/06/18	21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04	98/11/18	30/98

C-38	An Act to amend the National Parks Act (creation of Tuktoyaktuk National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10	98/12/10	39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/06/09	none	98/06/10	98/06/11	15/98
C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs	99/03/25	none			
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance	99/02/18	none	99/03/02	99/03/11	04/99
C-42	An Act to amend the Tobacco Act	98/12/02	98/12/08	Legal and Constitutional Affairs	98/12/10	none	98/12/10	98/12/10	38/98
C-43	An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence	98/12/08	99/02/10	National Finance	99/03/18	none			
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	28/98
C-46	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	29/98
C-47	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	98/06/11	98/06/16	Banking, Trade and Commerce	98/06/17	none	98/06/18	98/06/18	23/98
C-49	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management	99/03/09							
C-51	An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act	98/11/18	98/12/03	Legal and Constitutional Affairs	99/03/04	none	99/03/09	99/03/11	05/99
C-52	An Act to implement the Comprehensive Nuclear Test-Ban Treaty	98/10/20	98/10/28	Foreign Affairs	98/11/18	one	98/11/24	98/12/03	32/98
C-53	An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses	98/11/25	98/12/02	Banking, Trade and Commerce	98/12/08	none	98/12/09	98/12/10	36/98
C-55	An Act respecting advertising services supplied by foreign periodical publishers	99/03/16	99/03/24	Transport and Communications	99/03/25				
C-57	An Act to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence	98/12/07	98/12/10	Legal and Constitutional Affairs	99/02/18	none	99/03/02	99/03/11	03/99
C-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02	99/02/11	Transport and Communications	99/03/17	none	99/03/18	99/03/25	09/99
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce	99/02/16	none	99/02/18	99/03/11	01/99
C-60	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/12/02	98/12/08	—	—	—	98/12/09	98/12/10	40/98

C-61	An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof	99/03/16	99/03/18	Social Affairs, Science & Technology	99/03/23	none	99/03/24	99/03/25	10/99
C-65	An Act to amend the Federal-Provincial Fiscal Arrangements Act	99/03/11	99/03/16	National Finance	99/03/23	none	99/03/24	99/03/25	11/99
C-73	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	99/03/17	99/03/23	—	—	—	99/03/24	99/03/25	14/99
C-74	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/03/17	99/03/24	—	—	—	99/03/25	99/03/25	15/99
C-76	An Act to provide for the resumption and continuation of government services	99/03/24	99/03/24	Committee of the Whole 99/03/25	99/03/25	none	99/03/25	99/03/25	13/99

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-208	An Act to amend the Access to Information Act	98/11/17	99/02/11	Social Affairs, Science & Technology	99/03/11	none	99/03/16	99/03/25	16/99
C-220	An Act to amend the Criminal Code and the Copyright Act, (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs	98/06/10 adopted	recommend Bill not proceed			
C-410	An Act to change the name of certain electoral districts	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	two	98/06/09	98/06/18	27/98
C-411	An Act to amend the Canada Elections Act	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	none	98/06/09	98/06/11	18/98
C-445	An Act to change the name of the electoral district of Stormont—Dundas	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	07/99
C-464	An Act to change the name of the electoral district of Sackville—Eastern Shore	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	08/99
C-465	An Act to change the name of the electoral district of Argenteuil—Papineau	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/09	99/03/11	06/99

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					

S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Hadasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology	98/04/30	two	Dropped from Order Paper pursuant to Rule 27(3) 98/10/01
S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03	none	referred back to Committee 98/09/24
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/12/09	one	
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10	98/05/06	Legal and Constitutional Affairs	98/06/04	one	98/06/09
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)	98/02/26	98/04/02	Social Affairs, Science & Technology	98/05/14	seven + two at 3rd	98/06/10 Bill withdrawn pursuant to Commons Speaker's Ruling 98/12/02
S-14	An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)	98/03/25	98/03/31	Aboriginal Peoples			
S-15	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	98/04/02	98/06/09	Legal and Constitutional Affairs	98/06/18 report withdrawn 98/12/08	four	Bill withdrawn 98/12/08
S-17	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	98/05/12	98/06/02	Legal and Constitutional Affairs			
S-19	An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestall)	98/06/18					
S-24	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Beaudoin)	99/03/03					
S-26	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/03/10					
S-27	An Act to amend the Canada Elections Act (hours of polling at by-elections) (Sen. Lynch-Staunton)	99/03/16					

PRIVATE BILLS

S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.)	98/06/17	Dropped from Order Paper pursuant to Rule 27(3) 98/11/17				
S-20	An Act to amend the Act of incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (Sen. Taylor)	98/09/23	98/10/29	Social Affairs, Science & Technology	98/12/03	three	98/12/09 99/03/25
S-25	An Act respecting the Certified General Accountants Association of Canada (Sen. Kirby)	99/03/04	99/03/23	Banking, Trade and Commerce			

CONTENTS

Thursday, March 25 1999

	PAGE		PAGE
Government Services Bill, 1999			
Consideration in Committee of the Whole, Senator Carstairs	2932	Senator Cools	2963
Senator Lynch-Staunton	2932	Supreme Court of Canada	
Senator Graham	2932	Articles Regarding Remarks of Supreme Court Justice—	
Senator Kinsella	2932	Notice of Inquiry, Senator Cools	2963
The Chairman (Senator Stollery)	2932	Health	
Hon. Marcel Massé, President of the Treasury Board and		Protection of Conscience of Health Caregivers—	
Minister responsible for Infrastructure	2932	Presentation of Petition, Senator Perrault	2963
Senator Lynch-Staunton	2933	<hr/>	
Senator Murray	2935	QUESTION PERIOD	
Senator Lawson	2937	Natural Resources	
Mr. Alain Jolicoeur, Chief Human Resources Officer		End of Moratorium Affecting Certain British Columbia	
Human Resources Branch, Treasury Board of Canada	2939	Offshore Oil and Gas Reserves—Request for Briefing Denied—	
Senator Forrestall	2943	Government Position, Senator Carney	2963
Mr. Pierre Hamel, General Counsel, Treasury Board		Senator Graham	2964
Secretariat, Legal Services, Department of Justice	2943	National Defence	
Mr. Daryl Bean, National President, Public Service		Effect of Events in Kosovo on Canadian Peacekeepers in	
Alliance of Canada	2944	Bosnia—Government Position, Senator Forrestall	2964
Ms Nycole Turmel, National Executive Vice-President		Senator Graham	2964
Public Service Alliance of Canada	2947	Possibility of Deployment of Land Forces in Former	
Senator Stewart	2955	Yugoslavia—Government Position, Senator Forrestall	2964
Senator Graham	2956	Senator Graham	2965
Ms Viviane Mathieu, Correctional Officer	2956	Foreign Affairs	
Mr. André Bélanger, President, Union of		Air Strikes by NATO Forces in Former Yugoslavia—	
Solicitor General Employees, PSAC	2956	Criteria for Canadian Military Intervention Outside of NATO	
Report of the Committee of the Whole, Senator Stollery	2960	Involvement—Government Policy, Senator Roche	2965
<hr/>		Senator Graham	2965
SENATORS' STATEMENTS		Senator Lynch-Staunton	2966
Wall Street Project		Air Strikes by NATO Forces in Former Yugoslavia—Failure of	
Promotion of Products from Minority Communities,		Prime Minister to Address Canadian People—	
Senator Oliver	2960	Government Position, Senator Kinsella	2966
Newfoundland and Labrador		Senator Graham	2966
Fiftieth Anniversary of Confederation, Senator Cook	2960	Human Resources Development	
Canadian Institutes of Health Research		Changes to Employment Insurance Act—Request for Further	
Senator Keon	2961	Particulars, Senator Oliver	2966
Newfoundland and Labrador		Senator Graham	2966
Fiftieth Anniversary of Confederation, Senator Cochrane	2961	National Defence	
A World Free of Nuclear Weapons		Fire aboard Aurora Aircraft in Nova Scotia—Government Position,	
Senator Roche	2961	Senator Forrestall	2967
<hr/>		Senator Graham	2967
ROUTINE PROCEEDINGS		Post-Secondary Education	
Extradition Bill (Bill C-40)		Millennium Scholarship Fund—New Developments in Relation	
Report of Committee, Senator Milne	2962	to Federal Government Initiatives—Government Position,	
Senator Lynch-Staunton	2962	Senator Rivest	2967
Senator Kinsella	2962	Senator Graham	2967
The Estimates 1999-2000			
Interim Report of National Finance Committee on Main Estimates			
Presented and Printed, Senator Stratton	2962		

	PAGE		PAGE
Millennium Scholarship Foundation—Consideration of Principles Adopted by Quebec Legislature—Government Position. Senator Murray	2967	Motion in Amendment Negatived. Senator Kinsella	2973
Senator Graham	2967	Senator Lynch-Staunton	2973
Senator Murray	2968	Report of the Committee of the Whole. Senator Stollery	2974
Senator Rivest	2968	Third Reading.	2974
Foreign Affairs		Senator Graham	2974
Air Strikes by NATO Forces in Former Yugoslavia—Basis of Decision for Intervention—Government Position.	2968	Senator Lawson	2974
Senator St. Germain	2968	Motion in Amendment Negatived on Division.	2975
Senator Graham	2968	Senator Lawson	2975
Solicitor General		Senator Graham	2976
Treatment of Protestors at APEC Conference by RCMP— Exoneratation of CBC Journalist on Accusations Made by Prime Minister's Office—Status of Apology from Prime Minister's Office to Journalist—Government Position. Senator Di Nino ..	2968	Senator Lynch-Staunton	2977
Senator Graham	2968	Senator Carstairs	2977
Senator Forrestall	2969	Senator Kinsella	2977
Delayed Answers to Questions		Senator Prud'homme	2978
Senator Carstairs	2969	Senator Bryden	2978
The Budget		Senator St. Germain	2979
Refusal of Canadian Bond Rating Agencies to Restore Triple-A Rating—Impact of Increasing Numbers of Seniors on Economy—Government Position. Question by Senator Stratton	2969	Senator Gustafson	2979
Senator Carstairs (Delayed Answer)	2969	Royal Assent	
National Finance		Notice.	2979
Canada Customs and Revenue Agency Bill—Cost of Speech-writing in Support of Legislation Application of Goods and Services Tax—Position of Chairman. Questions by Senators Kinsella and Di Nino.	2969	Foreign Publishers Advertising Services Bill (Bill C-55)	
Senator Carstairs (Delayed Answer)	2969	Second Reading. Senator Kinsella	2980
ORDERS OF THE DAY		Business of the Senate	
Appropriation Bill No. 1, 1999-2000 (Bill C-74)		The Hon. the Speaker	2980
Third Reading. Senator Carstairs	2970	Internal Economy, Budgets and Administration	
Special Import Measures Act		Thirty-Second Report of Committee Adopted. Senator Rompkey ..	2980
Canadian International Trade Tribunal Act (Bill C-35)		Senator Kinsella	2980
Bill to Amend—Third Reading. Senator Grafstein	2970	Privileges, Standing Rules and Orders	
Government Services Bill, 1999 (Bill C-76)		Consideration of Ninth Report of Committee—Debate Continued. Senator Prud'homme	2981
Consideration in Committee of the Whole. Senator Carstairs ...	2970	Excise Tax Act (Bill S-10)	
Senator Lynch-Staunton	2970	Bill to Amend—Consideration of Report of Committee— Debate Continued. Senator Di Nino	2981
Senator Graham	2970	Senator Carstairs	2981
Senator Kinsella	2971	Review of Nuclear Weapons Policies	
Senator Murray	2971	Motion—Debate Continued. Senator Carstairs	2981
Senator Carney	2971	Sexual Assault	
Senator Rivest	2972	Recent Decision of Supreme Court of Canada—Inquiry— Debate Suspended. Senator Grafstein	2982
		Royal Assent	2982
		Sexual Assault	
		Recent Decision of Supreme Court of Canada—Inquiry— Debate Continued. Senator Grafstein	2983
		Senator Prud'homme	2986
		Senator Stewart	2987
		Transport and Communications	
		Committee Authorized to Permit Electronic Coverage of Deliberations. Senator Bacon	2987

	PAGE		PAGE
Role of Canadian Judicial Council		Senator Carstairs	2993
Media Comments—Inquiry—Debate Continued, Senator Cools .	2987	Motion in Amendment Adopted, Senator Carstairs	2993
Senator Carstairs	2990		
Newfoundland and Labrador		Adjournment	
Fiftieth Anniversary of Confederation—Inquiry.		Senator Carstairs	2993
Senator Cochrane	2990		
Transportation Safety		Appendix	2994
Special Committee Authorized to Extend Date of Final Report.			
Senator Kinsella	2993	Progress of Legislation	i



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OFFICIAL REPORT
(HANSARD)

Tuesday, April 13, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

This issue contains the latest listing of Officers of the Senate, the Ministry,
Senators and Members of the Senate and Joint Committees.



CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, April 13, 1999

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[Translation]

• (1410)

THE LATE HONOURABLE PAUL DAVID

TRIBUTES

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to offer a final tribute to Paul David, who sat in this chamber from 1985 to 1994. His funeral last Thursday was attended by hundreds of relatives and friends, colleagues and acquaintances, all of whom considered it a privilege to have known him.

His appointment to the Senate, the first Quebecer appointed by Prime Minister Mulroney, was a surprise to many people, for obvious reasons. It did not, however, take long for his qualities to be recognized, among them a lively intelligence, which Mr. Mulroney had come to know as a member of the board of the Montreal Heart Institute.

That institute is the great accomplishment of Paul David, who as a medical student and young physician was quick to realize that advances in cardiology held promise for a better life.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senator Lynch-Staunton, pardon me for interrupting, but can the interpreters hear us?

[English]

Honourable senators, the technicians are now in the interpretation booth, but I do not have a precise statement as to what the problem is. If you are agreeable, perhaps we should wait another five minutes. If by that time the problem is not resolved, then I will suggest that we suspend the sitting to the call of the Chair.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to introduce to you some special guests in our gallery. I am sorry that I cannot introduce them in the normal way, but we have a sound problem.

Honourable senators, in our gallery is a delegation of speakers and deputy speakers from nine legislatures of northern Russia. The delegation is led by Mr. Vladimir A. Torlopov.

On behalf of all honourable senators, I welcome you to the Senate.

Hon. Senators: Hear, hear!

The sitting of the Senate was suspended.

• (1510)

The sitting of the Senate was resumed.

[Translation]

THE LATE HONOURABLE PAUL DAVID

TRIBUTES

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to offer a final tribute to Paul David, who sat in this chamber from 1985 to 1994. His funeral last Thursday was attended by hundreds of relatives and friends, colleagues and acquaintances, all of whom considered it a privilege to have known him.

His appointment to the Senate, the first Quebecer appointed by Prime Minister Mulroney, was a surprise to many people, for obvious reasons. It did not, however, take long for his qualities to be recognized, among them a lively intelligence, which Mr. Mulroney had come to know as a member of the board of the Montreal Heart Institute.

That institute is the great accomplishment of Paul David, who as a medical student and young physician was quick to realize that advances in cardiology held promise for a better life, a longer life.

The history of the institute, from its modest beginnings in 1954 as a unit attached to the Hôpital Maisonneuve-Rosemont in Montreal to the present day, is a tribute to the determination and tenacity of this man. Today, the institute is recognized as one of the leading centres of its type in the world, and it attracts hundreds of researchers and physicians from all over.

[English]

As a senator, he served as Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, and was an active member of a number of other committees. His interventions in this place were listened to with special attention as he always spoke as a deeply religious person, a dedicated physician, and a committed believer in the family, principles that influenced him throughout his life.

To his loving wife, Yvette, and to his family, as well as the countless to whom he brought so much comfort and care, I offer my deepest sympathy.

[Translation]

Hon. Lise Bacon: Honourable senators, on behalf of my colleagues, I would like to take a few minutes to pay tribute to Dr. Paul David. Last week, the Senate lost one of its illustrious members. A number of you learned of the death of a friend you had the privilege of knowing for many years. However, beyond the suffering and the sadness it caused his family and members of our institution, Dr. David's death left all of Quebec and Canada in mourning.

April 5 1999 marked the passing of the father of Quebec cardiology. Inexorably, disease carried off one of the pioneers of medicine in Quebec and Canada. With his demise, Quebec and Canada lost a great man. Dr. David was one of the regrettably few exceptional people who through their will and their action leave a mark time cannot erase.

After studying in Montreal, Boston and Paris, Paul David started his practice at the Notre-Dame hospital in Montreal in 1948. He had barely begun his career when he established the Montreal Heart Institute in 1954, a risky bet since cardiology was just in its infancy. Dr. David had the ambition, tenacity and will to succeed where most others would fail. The institute quickly became one of the jewels of Canadian medicine and was imitated throughout the world. It was at the Montreal Heart Institute that, in 1968, Canada's first heart transplant took place.

However, Dr. David was not only the founder of the institute, he was its soul. Here are the words of Dr. Raymond Carignan, the current director general of the Institute on the day Dr. David died, and I quote:

He had the ability to get people to go further and to be the best internationally, in research or other fields. If our cardiologists and surgeons are demanding and want to be the best, it is thanks to Dr. David.

Dr. David could be proud of the Montreal Heart Institute, which employs 1,300 people and treats 8,000 patients annually. Each year, 11,550 people use its emergency services and over 30,000 outpatients are seen.

Dr. David pursued his mission by creating the Canadian and Quebec Heart Foundations. His dedicated work and international reputation brought him many honours. In 1981, he became a Companion of the Order of Canada and, in 1998, a grand officier de l'Ordre national du Québec.

Dr. David also led his fight against suffering and disease beyond Canada's borders. As chairman of the board for Cardinal Léger's leper institute, Dr. David supported research to overcome this terrible disease.

Dr. David was a very gifted researcher and administrator who did not hesitate to take a public stand to protect the integrity of

health care. He was the first one to condemn the salaries and working conditions of nursing staff in hospitals, and he also strongly criticized the bureaucratization of the health system, which threatened the quality of care provided to patients.

Even after the serious stroke he suffered in 1992, which left him partly paralysed and aphasic, Dr. David did not let the disease get the better of him. I want to quote the moving words spoken by his daughter, Thérèse, at his funeral:

Your greatest victory was overcoming the difficulties of the past seven years. You were paralysed and unable to speak, but you communicated with your eyes and hands. I discovered a new man.

Through his passion and his work, Dr. David helped improve our lives in a concrete manner. Canada and particularly Quebec will dearly miss this great humanist.

I offer my sincere condolences to his wife, Dr. Lemire, and his children. They should find some comfort in the sympathy of all those who knew him and of all the friends who appreciated him.

Hon. Gérald-A. Beaudoin: Honourable senators, I wish to pay tribute to a remarkable man, the Honourable Paul David. I had the tremendous honour of working with Senator Paul David for a few years, after I entered the Senate, in 1988.

Scion of a prominent family, Paul David was a man of vision, a builder and a humanist. His grandfather, Senator L.O. David, was a friend and confidant of Sir Wilfrid Laurier. L.O. David wrote a biography of Laurier and the history of the Patriotes.

His father, Senator Athanase David, played a key role in Quebec politics, and was a leading figure in the arts and humanities. One of the things we have to thank him for is the celebrated Prix David.

As has been pointed out by other senators in their speeches, our colleague Paul David was the founder of and driving force behind the Montreal Heart Institute. It is his greatest achievement.

He began his political career at the age of 65. A doctor by profession, he was also interested in history, and constitutional and social issues. I was always very impressed by his judgment and the breadth of his knowledge.

It is not an exaggeration to say that Paul David was an exceptional human being who will leave his mark on our society.

The funeral service, held last Thursday at Saint-Viateur in Outremont, was very moving. His children's tributes were deeply touching and there was a great sense of dignity and love.

To his wife, Dr. Lemire, and his children, I extend my deepest condolences.

Hon. Thérèse Lavoie-Roux: Honourable senators, this is probably the last time I will rise in the Senate to pay tribute to Senator David and it is with great sadness that I do so.

The Senator David I remember was a profoundly human individual, always attentive to the needs of others. During the years I spent with him in the Senate, I had occasion to admire his vast knowledge, his remarkable intelligence, his keen judgment and his extraordinary wisdom. He never got embroiled in partisan discussions. He was there to serve others, not just one political party.

Several speakers have already referred to his legacy, the Montreal Heart Institute. He transmitted to those working there his desire to serve everyone, to be always available, to get involved in research, in advancing the sciences of cardiology.

Yesterday, as it happens, I was at a board meeting of the Montreal Heart Institute. They were examining the evaluation of the institute by the Fonds de recherche de santé du Québec. This research fund analyzes all applications for research grants. It is well known in Quebec and plays a very important role. In the conclusion of this evaluation, it is stated that the members of the evaluation committee are unanimous in their opinion that the Montreal Heart Institute's research centre is a leading light in research in Quebec and in Canada, that its presence is vital to leading-edge research in the country, and that it occupies a lead role internationally in cardiology research.

If this kind of comment is still being made several years after Dr. David left the institute, it is because he had instilled this concern for thorough research, this concern for serving the people, this concern for constant progress.

In conclusion, I would like again to extend my sympathies to his wife, Dr. Lemire, who took very good care of him during the last seven years of his life. They were not easy years as some of my colleagues mentioned earlier.

I also would like to offer my sympathies to his children Françoise, Pierre, Charles-Philippe, Anne-Marie, Hélène and Thérèse who, in their own field, seem to be following in their father's footsteps in the sense that they are constantly seeking to surpass themselves. I want to convey to them my deepest sympathies again, as I did a few days ago.

Doctor David, I want to thank you for having been a humanist serving others, for what you did and for what you are leaving us, especially the Montreal Heart Institute. Farewell, dear friend.

[English]

Hon. Wilbert J. Keon: Honourable senators, I also rise to pay tribute to a very great Canadian, our dear friend and former colleague, Dr. Paul David.

From his appointment to the Senate in September of 1988 until his mandatory, yet very sad, retirement in December of 1994, Paul David graced this chamber with his clear and concise comments, sense of humour, solid judgment, great culture, and remarkable intellect. He showed great sensitivity and humanity to all causes that were dear to him, such as the abortion issue, health care, Canada's demographic changes, and the future of Canada's youth, as well as the status of Quebec as a distinct society. In the tradition of his grandfather and father, who also served in this chamber, Senator David was a highly committed politician, an international figure who was celebrated with many

honorary distinctions and awards for his wisdom and accomplishments.

I had the great fortune of knowing Dr. David long before he entered this chamber, during his illustrious career as a cardiologist and an administrator. In 1954, barely in his 30s, his bold and ambitious project of establishing a centre for cardiac care and progressive research finally took shape in the creation of the Montreal Heart Institute. Imagine the courage that he showed at that time. While there was a heart institute in Russia, there was not a single heart institute in the U.S. The British Heart Institute had not been created. The Japanese Heart Institute in Tokyo had not been created. He was truly way out in front. His visionary efforts marked a milestone in health services in Quebec, Canada and around the world. Indeed, Dr. David created the model that later heart institutes would follow.

When I came back to Ottawa in 1969, with the mission of building the Ottawa Heart Institute, which would become Canada's second heart institute, I had had by then the opportunity to tour such institutes as the one in London, the National Heart Institute in Washington, and of course the Minnesota Heart Hospital. However, Dr. David was totally unique. I recall going down to the Montreal Heart Institute with a delegation of architects, engineers, planners, and scientists, walking about with a portable dictaphone, followed by photographers, having total access to all of his ideas. Yet here we were, coming into Canada to compete with him for the research dollars in heart research. His magnanimity was such that he knew this was necessary and he was enormously supportive.

Dr. David made extraordinary breakthroughs in the fields of science and medicine. In 1968, Canada broke ground with the first heart transplant at the Institute of Cardiology. Throughout his career, he had a number of breakthroughs and participated in the first balloon angioplasty with Dr. Bourassa at the Montreal Heart Institute. When he retired as medical director from the heart institute, he continued to devote his wealth of knowledge and humanity to the public good here in the Senate.

Our country has lost a truly great Canadian, and we have lost a very dear friend. To his wife, Dr. Yvette Lemire, his six children and his grandchildren, I wish to offer my deepest condolences.

Dr. David touched so many in so many ways. He touched me in tangible ways that I will cherish forever.

[Translation]

Hon. Léonce Mercier: Honourable senators, when Dr. Paul David passed away on March 30, Canada and Quebec lost not only a pioneer in the medical field, but also a conscientious and honest politician, a model citizen and a great humanist.

Dr. David was appointed to the Senate in 1985, by Mr. Mulroney. However, Senator David had deep roots in the Liberal Party, both at the federal and provincial levels. His grandfather, Laurent Olivier David was Wilfrid Laurier's advisor and confidant, and was appointed to the Senate by the latter, in 1903. His father, Athanase David, who was a distinguished minister under Louis-Alexandre Taschereau between 1919 and 1936, was appointed to the Senate in 1940 by Prime Minister Mackenzie King.

In spite of all these family ties with politics, it is in the medical field that Senator David found his calling and truly distinguished himself. After graduating from Montreal University's medical school, he specialized in cardiology in Boston and Paris. Dr. David, one of the world's foremost cardiologists, founded the Montreal Heart Institute in 1954 by grouping together the various cardiology services. He headed the Institute for 30 years, during which a team of doctors performed Canada's first heart transplant.

Dr. David's enormous contribution was recognized by the various prizes and awards given him, including honorary doctorates and many decorations. Among other things, he was a companion of the Order of Canada, a grand officer de l'Ordre national du Québec and a Grand Montréalais.

Honourable senators, I was one of those able to personally appreciate the humanitarian side of Senator David during many Red Cross blood drives. When called to help his fellow man, Paul David was always willing.

Many years ago, with one of my daughters, who is a nurse, I was responsible for blood donor clinics. At that time, donors were rare. Dr. David explained things simply so everyone understood. He said, for example, that there was going to be a heart operation. Everyone was afraid of it, no one wanted to go. His presence, his image and his calm reassured people.

Those of my Senate colleagues who knew him remember as a man of warmth, honesty and total devotion to those causes he held dear. His departure leaves us in great sadness.

Honourable senators, Canada and Quebec have lost one of their most famous sons, and I would invite all those present to join me in offering our most sincere condolences to his wife and to his children, Anne-Marie, Hélène, Françoise, Pierre, Charles-Philippe and Thérèse, and to his grandchildren. We have lost a most honourable individual.

[English]

• (15:40)

SENATORS' STATEMENTS

YUGOSLAVIA

KOSOVO—PROBLEMS OF WAR

Hon. Nicholas W. Taylor: Honourable senators, to preface this statement, I wish to state that I have worked in the area of the Balkan peninsula, from Vienna to Istanbul and from the Black Sea to the Aegean and the Adriatic, since 1960. I do not tell you that to profess in any way to being an expert on Yugoslavia, except to emphasize that anyone who tells you that they are an expert on Yugoslavia is not an expert on Yugoslavia. It is probably one of the areas in the world whose politics are the most complicated and difficult to understand.

I introduced this topic on March 25. I spoke in this chamber immediately after Senator Kinsella, who had proposed a very good solution to the problem. Unfortunately, neither NATO nor the U.S. presidency was listening to either one of us. I spoke about the foolishness of the bombing project at that time.

After listening to the debate in the last couple of days, I was interested in knowing how many people believe as God's word what Ted Turner's CNN television stations churns out. In other words, if he says there is a massacre on one side, that is the only one that has occurred. Apparently, no one even thinks for a minute that war is a nasty business and atrocities are committed on both sides. Mr. Turner, the same fellow who gave former president Bush 70 per cent popularity and then took it back to 30 per cent in one year, is now doing the same thing with this war.

The second item that I thought was interesting in listening to the House of Commons debate is that no one is saying what we will do when we win. Supposing Milosevic beats his head and says, "Uncle," what will we do? That will probably mean that the KLA will move in there and start killing the Serbs. No matter which way you look at it, we are using violence and we will be stuck with years and years of policing. There must be another way, and I think there are other ways.

I am afraid that NATO members are guilty of ignoring history — at least the lessons that it teaches us — in their desire to punish the Serbian people for being foolish enough to allow a dictator to take over their government and to re-ignite the racist and religious wars that have swept the Balkans for the last hundred years. The present program of bombing everything and anything — including homes and workplaces, which have nothing to do with the war movement — and calling it "collateral damage" is wrong on three fronts: politically, militarily and morally.

It is wrong politically, since there is no evidence, historically, that bombing or attacking a country weakens the resolve of, or the support for, their leadership. Whether we are talking about support for Churchill when Hitler attacked London, or support for Saddam Hussein when we bombed Iraq, the result has always been the same, namely, to reinforce the leadership.

It is also wrong militarily. As a geologist, I have done a significant amount of work in that area, and if you think that it is rough country and you want to see what it looks like, drive from Revelstoke to Golden. There are nothing but mountains and more mountains. I was originally hired by Mr. Tito to establish their geological survey. I remember him bragging that with 100 men — and later, with 500 men — he had been able to keep three German Panzer divisions tied up for three years. This is the type of country in which our troops will be operating. The idea that we will get out of there without deploying ground forces does not hold water.

Lastly, I think it is morally wrong. You cannot use violence to teach others not to use violence to solve their problems. The end never justifies the means.

Hon. Senators: Hear, hear!

COMMEMORATION OF THE HOLOCAUST

Hon. Jeremiah S. Grafstein: Honourable senators, this day has been set aside around the world to commemorate the Holocaust, the "Shoah." How can one best commemorate the Holocaust? Honourable senators, allow me to relate, very briefly, one family's saga that holds some current resonance.

About 220 years ago, the family Grafstein, at the behest of the Hapsburg authorities in Vienna, joyfully aided by local officials, were uprooted from their village in southwest Austria, where they had been scratching out a living for some centuries. One family branch travelled northeast to a town in the Russian lands called Vitebsk, later made famous by the magical paintings of Chagal. Vitebsk, even then, was a renowned educational centre of Jewish culture, education and religiosity. Unfortunately, some three decades later, Vitebsk was also on the direct route of Napoleon's march towards Moscow and his famous retreat. Uprooted again, my branch of the Grafstein family moved to the then more hospitable climes of southern Poland, where my great great grandfather eventually settled in a small crossroads county town called Wasniow, located 100 kilometres from the birthplace of Pope John II. There the family flourished for almost 100 years, despite periodic anti-Semitic eruptions.

At the turn of the century, my aunt, a woman of some musical talent which she passed on to her children, came to Canada and then settled in New York. She was followed by an energetic uncle who, riled at the Orthodox strictures of his father and elder brother, broke loose from the family and found his way to Toronto, first as a socialist labour organizer and later as a businessman. Shortly thereafter, he was joined by yet another brother, also a socialist, who had been an actor and a writer in Poland and later became a book and newspaper publisher and entrepreneur in Canada. A decade later they were joined by yet another brother, a man of devout practices all his life, unlike his two secular brothers.

In 1927, my father, the youngest of the litter, came to visit his brother in Toronto after serving in the Polish army for five years, with some distinction, after completing his studies in Warsaw. He was introduced to my mother by my uncle. My mother had emigrated with her family some 20 years earlier from the same region of Poland. My father fell madly in love, married and settled in London, Ontario, where I was born in the midst of the depression.

Left behind in Wasniow, Poland, was my eldest uncle and his sprawling family, which had interests in the small town businesses of textiles, hardware, lumber, and wine and spirits. In 1939, at the outbreak of World War II, according to records, there were 191 residents living in that town of Wasniow. Over half that population was Jewish, and of the half that was Jewish, more than half, again, comprised members of the Grafstein family, including first and second cousins. In 1940, when the Germans arrived, the family was quickly assembled with all other Jews in the village and surrounding areas on the lovely town square. There they were divided into two groups: one group of able-bodied men and boys; one group of the elderly, women and children. The elderly, women and children were shipped to the

death camps and disappeared in smoke. Of the men and boys, only two cousins survived the work and death camps. This brief history was written down by my father in 1944, when he first heard of the almost total liquidation of his family and relatives who had been left in Poland.

One surviving second cousin was brought to Canada in 1947 by my father. The last Grafstein caught behind the Iron Curtain I helped to bring to Canada with his small family in 1966. They also settled in Toronto.

Honourable senators, two years ago, I visited Poland and was privileged to meet the President of Poland and other senior officials, almost 70 years to the date from the time my father left Poland to emigrate to Canada. During that visit, one afternoon I —

The Hon. the Speaker: Honourable Senator Grafstein, I am sorry, but the three-minute period allotted for statements has expired. Is leave granted, honourable senators, to extend the honourable senator's time?

Hon. Senators: Agreed.

• (1550)

Senator Grafstein: Honourable senators, one afternoon I travelled 140 kilometres south to visit my father's hometown. The tree-lined, grass-covered square was still there, as was the handsome, yellow-painted baroque church and library, now a school, where my father had served as the head of the County Polish Library. The library graces two sides of that small square. Across the square from the church were shops once owned and operated by my grandfather, my uncle and his extended family.

Around the corner from the square is a large, empty, grass-covered lot where once stood a sprawling wood synagogue and a large school. The Jewish cemetery has disappeared completely. No traces remain of 1,000 years of Jewish settlement in that town.

So, honourable senators, the Holocaust is more than a word. We believed it was the culmination, the final obscene cycle of violent death in the heart of Europe. We were wrong. As we approach the millennium, are there lessons we can derive from the Holocaust — a word that remains beyond definition, beyond imagination? Man's random and episodic outbursts of inhumanity to man continue. Regrettably, such violence is still fulsomely sanctified by the organized might of state violence.

Inside this miserable heart of darkness, can we discover redeemable virtue in the human condition? Regrettably, only with eternal diligence and renewed human sacrifice can the contemptible cycle of violence be disrupted and dispersed. From irredeemable tragedy, the triumph of the human spirit, a civil society, may yet be uncovered.

Ani maamin, ani maamin — "I believe, I believe," death-camp inmates sang, and let us say, "Amen."

Hon. Senators: Hear, hear!

INTERNATIONAL POLICY CONFERENCE ON CHILDREN AND TOBACCO

Hon. Colin Kenny: Honourable senators, I rise in accordance with the provisions of the Standing Committee on Internal Economy, Budgets and Administration as they relate to international travel to report on a trip I took to Washington, D.C. for the International Policy Conference on Children and Tobacco, March 17 through 19. During that two-and-a-half day period, we had 22 hours of meetings. Sixty delegates from some 31 countries participated.

The sponsors of the conference were Senators Durbin, Wyden and Collins; the American Cancer Society; the American Public Health Association; the Campaign for Tobacco-Free Kids; and the Robert Wood Johnson Foundation. The conference objective was to establish an international policy network on the issue of youth and tobacco. My objectives were to contribute a Canadian perspective and to learn of effective programs being implemented by other countries and to positively represent the Senate of Canada at this conference.

In addition to the 31 countries represented, the following organizations also sent delegates: the World Health Organization, the United Nations International Children's Fund, the World Bank and the International Monetary Fund.

The discussion leaders included Gro Harlem Brundtland, the director of the World Health Organization; Dr. Donna Shalala, the U.S. Secretary of Health; the Honourable Rob Knowles, the health minister from Victoria, Australia; and the Honourable Bernard Kouchner, the Secretary of State for Health from Paris, France.

From the conference we came away with some interesting comparisons of spending and smoking rates. In Victoria, Australia, they are spending \$11.50 per capita, in Canadian funds, and have a youth smoking rate of 19 per cent. In Florida, they are spending \$7.50 per capita and have a youth smoking rate of 20 per cent. In California they are spending \$4.00 per capita and have a youth smoking rate of 12 per cent. In Canada, we are spending 33 cents per capita and have a youth smoking rate of 29 per cent.

Health Canada has announced that deaths attributable to smoking have increased from 40,000 Canadians per year to 45,000 Canadians per year. Last year, it was estimated that 85 per cent of all smokers started before the age of 18. This year, the figure has been revised to reflect the fact that 85 per cent of smokers start before the age of 16.

HUMAN RIGHTS

UNITED KINGDOM REPORT ON RACISM OF POLICE OFFICERS

Hon. Donald H. Oliver: Honourable senators, I would like to draw to your attention a recent report issued in the United

Kingdom with which all Canadians should make themselves familiar. I had an opportunity to read it over the Easter break.

On February 25, 1999, Sir William MacPherson, a retired High Court judge in Great Britain, delivered his report on the inquiry which he led into the death of Stephen Lawrence. At approximately 10:30 in the evening of April 22, 1993, in a district southeast of London, Stephen Lawrence, the 18-year-old son of Jamaican immigrant parents, was attacked while waiting for a bus. When he tried to escape, he was stabbed to death by five white youths.

Neither a public nor private prosecution of these youths resulted in convictions. The reasons for the inquiry arose because the parents of Mr. Lawrence believed that, at the root of these unsuccessful prosecutions was a corrupt, conspiratorial and racist police department.

While Sir William MacPherson in his report does not impute any fault to the police department in this particular case, he does reach the conclusion that the British government, especially in the area of law enforcement, is gripped by institutional racism.

His recommendations, which I believe are for the most part well reasoned, present us with a blueprint for dealing with racism or combating racism in all areas of law enforcement in Canada. The report recommended that the:

...full force of the Race Relations legislation should apply to all police officers, and Chief Officers of Police should be made vicariously liable for the acts and omissions of their officers relevant to that legislation.

This would ensure, the inquiry held, that there would be accountability for the racial acts of police officers. One of the issues discovered by the inquiry was that there was a belief among some officers that the racism or racial acts would be tolerated by the senior command. This recommendation places responsibility for such acts squarely upon the most senior officers to ensure that they lead by example.

The inquiry defined "racist incident" to be one that is perceived to be racist by either the victim or some other neutral person. It could also include an incident which may or may not be criminal. This definition is to be universally adopted by the police, local government and other similar agencies.

I believe that this definition is an important step towards dealing with race relations. Racism must be defined by those who are on the receiving end. It should make those who are in sensitive positions consider the feelings of others before acting or speaking.

In conclusion, I believe that we in Canada can learn a lot from the recommendations of this inquiry. Police forces and those involved in the criminal justice system in Canada should review these recommendations, especially the ones dealing with family assistance, with a view to adopting them for use in Canada.

ROUTINE PROCEEDINGS

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Austin, with leave of the Senate and notwithstanding rule 58(1)(h):

That when the Senate adjourns today it do stand adjourned until tomorrow, Wednesday, April 14, 1999, at 1:30 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

TRANSPORTATION SAFETY

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE
TO EXTEND DATE OF FINAL REPORT

Hon. J. Michael Forrestall: Honourable senators, I give notice that on Wednesday, April 14, 1999, I will move:

That, notwithstanding the Order of the Senate adopted on Thursday March 25, 1999, the date for the final report of the Special Committee on Transportation Safety and Security be extended to November 30, 1999.

• (1600)

PRIVATE BILL

ALLIANCE OF MANUFACTURERS & EXPORTERS CANADA—
NOTICE OF MOTION TO REINSTATE TO ORDER PAPER

Hon. James F. Kelleher: Honourable senators, I give notice that on Wednesday next, April 14, 1999, I will move:

That, notwithstanding rule 27(3), the Order of the Day for the second reading motion of Bill S-18, An Act respecting the Alliance of Manufacturers & Exporters Canada, a private bill, be now restored to the Order Paper, day one, for the purpose of reviving the bill.

HEALTH CARE IN CANADA

NOTICE OF INQUIRY

Hon. Wilbert J. Keon: Honourable senators, I give notice that on Thursday, April 15, 1999 I will call the attention of the Senate to the present state of the Canadian health care system.

NORTH ATLANTIC TREATY ORGANIZATION

INVOLVEMENT IN YUGOSLAVIA—RELATIONSHIP
TO INTERNATIONAL LAW—NOTICE OF INQUIRY

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that on Thursday next, April 15, 1999, I will call the attention of the Senate to the question of international law: Canada and the NATO action in the Federal Republic of Yugoslavia.

QUESTION PERIOD

FOREIGN AFFAIRS

EFFECTS OF EVENTS IN FORMER YUGOSLAVIA—
CRITERIA FOR CANADIAN MILITARY INTERVENTION
OUTSIDE OF NATO INVOLVEMENT—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. Could the minister inform this house whether or not the Government of Canada has given instructions to our representatives at the United Nations to move forthwith with proposals to receive the support of the entire world community as represented in that body to deal with the crisis and tragedy in Kosovo?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators would know that our representatives at the United Nations are monitoring the situation on a daily basis and are, indeed, making representations to all the member countries. Clearly, Canada would have preferred to see the United Nations Security Council provide explicit authorization for the NATO military action. That said, we could not wait for the possibility that the council might eventually reach a consensus where hundreds of thousands of people were at risk. However, I am aware that there are ongoing discussions both at the United Nations and elsewhere.

Senator Kinsella: Could the minister provide the Senate with some specificity? Is it the position of the government that, using its seat on the security council, Canada will be bringing forth a creative resolution to deal with this matter, or is Canada sitting back and watching events unfold?

Senator Graham: I do not think that would be a fair characterization of Canada's role in this very difficult situation. The Honourable Senator Kinsella would know that the Minister of Foreign Affairs attended the NATO foreign affairs meeting in Brussels yesterday. He is back in Canada today.

A number of suggestions have been made over the past few weeks following the failure of the Rambouillet framework, which currently continues to be the only framework that has any standing in the international community. Other proposals have been mooted, ranging from the partition of Kosovo, to making the province an international protectorate, to outright independence.

However, I would emphasize again that, although the conflict has made the implementation of the Rambouillet accords very difficult, it remains the only framework that has any standing in the international community.

UNITED NATIONS

EFFECTS OF EVENTS IN FORMER YUGOSLAVIA— POSSIBILITY OF PROPOSAL OF RESOLUTION TO SECURITY COUNCIL—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a further question for the Leader of the Government in the Senate.

Does the minister believe that the Security Council of the United Nations is no longer an effective forum by which to achieve a resolution of this tragedy?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I believe I indicated earlier that I have confidence in the Security Council. It is regrettable that the Security Council could not reach a consensus, as a result of the veto power of China and Russia. However, with so many hundreds of thousands of human lives at risk, it was deemed necessary by the membership of NATO to take the action that they have indeed taken.

Senator Kinsella: Surely the minister recognizes that the veto power which is exercised by the five permanent members of the Security Council has been around since the San Francisco Conference of 1945. The veto power is not something new. Why has the Government of Canada been unable to bring forward a resolution that would secure the support of all members of the Security Council and meet the test of all members of the Security Council so they would not have to use their veto power? It is not that the West has not used the veto power.

Senator Graham: I think Canada's record at the United Nations, beginning with our own Lester B. Pearson, former prime minister of Canada, former foreign affairs minister, former president of the General Assembly of the United Nations, has been exemplary from the very beginning. We have led the world in our peacekeeping efforts, and even more recently with the initiatives taken by Minister Axworthy respecting the land mines treaty.

Senator Kinsella: As a final supplementary, honourable senators, if the Government of Canada's position is that it fears that some permanent members of the Security Council might exercise their veto, then why has the Government of Canada not instructed its representative at the United Nations to bring forward resolutions in the General Assembly where there is no veto?

Senator Graham: I am not aware that such instructions have been given. However, I shall inquire further to clarify the situation for my honourable friend and for all honourable senators.

FOREIGN AFFAIRS

DIPLOMATIC EFFORTS SURROUNDING EVENTS IN FORMER YUGOSLAVIA—REQUEST FOR INFORMATION

Hon. A. Raynell Andreychuk: Honourable senators, following on those answers, I would understand that Canada has not given up on the diplomatic route in addition to the military route that NATO is taking. If that is the case, could the Leader of the Government enumerate the diplomatic actions we are presently taking, particularly the overtures we have made to the governments in Russia and the Ukraine and their missions, and advise us whether we have encouraged them to seek some resolution of this matter, and what diplomatic steps we are taking other than our participation in the actions taken by the Security Council and the General Assembly?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Canada continues its consultations with Russia, Ukraine, and other countries. I think honourable senators would know that Russia continues to oppose the NATO military action and has taken a number of steps to support the Yugoslavian government. To this point, the conflict has not threatened the relationship between NATO countries, including Canada, and Russia.

Today's meeting between U.S. Secretary of State Albright and Russian Foreign Minister Ivanov was useful in terms of preserving the U.S.-Russia relationship. The two countries have yet to reach agreement on a number of key issues, including the deployment of an international military presence in Kosovo.

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA— DEPLOYMENT OF GROUND TROOPS TO ALLEVIATE PLIGHT OF KOSOVAR REFUGEES—GOVERNMENT POSITION

Hon. Gerry St. Germain: Honourable senators, my question is also to the government leader in the Senate. In response to a question I asked on March 25, the minister stated:

...our objective is to help avert a greater humanitarian crisis by ensuring that the Federal Republic of Yugoslavia complies with its obligations.

We are now faced with a situation where approximately one million people have been driven out of the state of Kosovo. We do not know how many have been murdered or raped in the pillage that has gone on.

Senator Lawson and I, who conferred on this about March 25, were wondering why ground troops were not being sent in immediately. That remains an outstanding question. It appears that an organization such as NATO is holding back, waiting for the polls to change in the U.S.

• (1610)

Will a decision be made based on the humanitarian aspect, as opposed to the strategic aspect about which I spoke in my question of March 25?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the humanitarian aspect is the key point that must be considered in all these discussions and actions.

At the outset of the crisis, NATO military planners began to develop options for the deployment of ground forces in response to a range of different scenarios. The only option that has been considered formally by Allied governments is the deployment of ground troops to help implement a settlement after a peace agreement has been reached. This would be similar to what NATO is doing in Bosnia.

At this time, however, the deployment of ground troops in any other scenarios is not being considered.

Senator St. Germain: Honourable senators, is that because there is the possibility there will be no one left in the country by the time they arrive there? The scenario upon which we have embarked appears similar to the Vietnam situation where the original theatre of war started off with bombing exercises and ended up with ground troops. Basically, it was too late by then.

Historically, has there not always been a vote in the House of Commons before any of our forces were deployed in a theatre of action? If that is the case, why did we not do that this time?

Senator Graham: Honourable senators, my honourable friend, who is a veteran and who was a distinguished member and minister while in the other place, perhaps knows better than I. the answer to his question.

Historically, I do not know whether requiring parliamentary approval before sending our CF-18s to the current theatre of action would be a precedent. Certainly, the Prime Minister has indicated that further consultations will be held before a deployment of ground troops.

UNITED NATIONS AIR STRIKES BY NATO FORCES IN FORMER
YUGOSLAVIA—POSSIBLE SOLUTION TO CONFLICT—STATEMENT BY
SECRETARY GENERAL—GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, the Leader of the Government in the Senate has referred to Canada monitoring the situation. With respect to a resolution of this terrible problem, he referred to the Rambouillet agreement as if that agreement were still alive. The Rambouillet agreement is dead.

Specifically, what is Canada doing to follow up on the opening given by the Secretary General of the United Nations a couple of days ago when he said that if the Yugoslav authorities would allow the deployment of an international military force to ensure a secure environment for the return of the refugees and unimpeded humanitarian aid, he would urge NATO to suspend immediately the air bombardments on the Federal Republic of Yugoslavia. That is a specific proposal that Canada, with its strength as a member of the Security Council, could push. Has Canada taken note of that?

Hon. B. Alasdair Graham (Leader of the Government): Yes, indeed, it has, honourable senators. However, in order to put

the statement of the Secretary General of the United Nations in proper context, it would be useful if I were to read the conditions the Secretary General of the United Nations would ask that the leaders of NATO to suspend immediately the bombings. He stated:

I am deeply distressed by the tragedy taking place in Kosovo and in the region, which must be brought to an end. The suffering of innocent civilians should not be further prolonged. In this spirit, I urgently call upon the Yugoslav authorities to undertake the following commitments:

- first, to end immediately the campaign of intimidation and expulsion of the civilian population;
- two, to cease all activities of military and paramilitary forces in Kosovo and to withdraw these forces;
- three, to accept unconditionally the return of refugees and displaced persons to their homes;
- four, to accept the deployment of an international military force to ensure a secure environment for the return of the refugees and unimpeded delivery of humanitarian aid; and
- finally, to permit the international community to verify compliance with these undertakings.

Upon the acceptance by the Yugoslav authorities of these conditions, I urge the leaders of the North Atlantic Alliance to suspend immediately the air bombardments upon the territory of the Federal Republic of Yugoslavia.

Ultimately, the cessation of hostilities I propose is a prelude to a lasting political solution to the crisis, which can only be achieved through diplomacy. In this context, I would urge the resumption of talks on Kosovo among all parties concerned at the earliest possible moment.

With all of the above, I certainly agree, as does the Government of Canada.

Some Hon. Senators: Hear, hear!

Senator Roche: Honourable senators, I thank the Leader of the Government for his response. He did not say that Canada is actually pushing this idea. The Secretary General needs help in this grave, international crisis that is in danger of spinning out of control. Canada is instrumentally placed to play a leading role in trying to re-engage both the Russians and the United Nations. Canada could be calling for an emergency session of the General Assembly in order to focus world attention on an international solution and not one that would be western produced.

Senator Graham: Honourable senators, the Secretary General has the continuing unequivocal support of Canada.

FOREIGN AFFAIRS

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—
IMMEDIATE AND LONG-TERM GOALS BEHIND
BOMBING CAMPAIGN—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, many of you may have noted that former U. S. secretary of defence Weinberger in an opinion editorial noted with regard to Kosovo:

...we have neither defined victory nor established any real goals.

What are the immediate and long-term goals of NATO's air campaign?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the immediate and long-term goals are to restore peace to the area and bring hostilities to an end, to have the Kosovars returned to their homeland, and to have a peacekeeping force in the area.

Senator Forrestall: On April 1, U.S. General Wesley Clark, NATO Supreme Commander directing the air campaign stated:

We can't stop paramilitary actions from the air... we never thought that air power alone can stop this kind of paramilitary tragedy.

The U.S. Joint Chiefs of Staff reportedly agreed with General Clark's assessment that the bombing campaign will not work.

This morning, we learned that the Yugoslav army forces crossed into Albania and attacked a village.

• (1620)

What are the immediate and long-term goals of NATO's air campaign? What does the minister define as success, given those two comments from the general and from former secretary Weinberger?

Senator Graham: I would define success as peace, along with the return of the Kosovars to their normal habitats.

Senator Lynch-Staunton: They have been destroyed!

Senator St. Germain: They will all be dead!

Senator Graham: Think of the consequences if we had not taken action. It is to be hoped that the bombing will end at an early date.

Senator Lynch-Staunton: After you have destroyed everything.

Senator Graham: Failing action on the part of NATO, what do my honourable friends opposite suggest? The diplomatic route failed at Rambouillet and action was required. The Balkans were

turning to the rest of the world and asking where we were. NATO, which includes Canada, responded in a responsible way. If we are to be at the table, we must take appropriate action and be part of that team. It is a humanitarian team which is working in the name of the people who are threatened, and who have been savaged by the "Butcher of the Balkans."

Some Hon. Senators: Hear, hear!

Senator Kinsella: What about Rwanda?

Senator Forrestall: I do not believe anyone disagrees with that. What we are asking is what is your definition for success, and when will we see some parameters that will lead us towards a definitive goal? In the eventuality that NATO does deploy ground troops, what Canadian troops and equipment are combat-ready at this time? What delays might those Canadian Armed Forces experience if NATO decided to deploy ground troops at this time? Are we ready to send a properly trained expeditionary force? What will the Canadian place in the command hierarchy of NATO be in the case of a ground operation? Would the Canadian Armed Forces be under the command of British commanders, as was the case in Bosnia? What measures has the government taken to reinforce Canadian troops stationed in Bosnia in the event that the conflict spills over those borders once again?

Senator Graham: That is a long series of questions. I believe I answered some of them earlier.

I do not know what would be the chain of command there. Previously, we had our own Major General MacKenzie in charge of allied forces in a very important area of the world. It may be that they will be looking to Canada, a moderate country with skilled members of our Canadian forces anxious to help and willing to carry out their duty as members of the Canadian Armed Forces wherever the people of Canada ask them to serve in the world.

Senator Forrestall: The question was not that hard to follow. I asked what troops are combat-ready that we can send?

Senator Graham: There are a number of regiments across this country which are combat-ready, and I feel it would be wrong for me at the present time to indicate what measures are being taken. However, I shall attempt to find that answer for the Honourable Senator Forrestall. I know that there are troops in the western part of the country which are preparing at the present time. Please remember that the only indication that we have had is that any troops deployed to the part of the world we are discussing, under the present conditions, would be in a peacekeeping role.

NATO FORCES IN FORMER YUGOSLAVIA—PLIGHT OF KOSOVARs

Hon. Gerry St. Germain: I should like all honourable senators to know that I do not believe that anyone on this side of the house does anything but support one hundred per cent the actions of the government in trying to assist these people.

Senator Taylor: You are wrong.

Senator St. Germain: This is key. What we are concerned about, is that, according to the information we are receiving through the media, these people are being expelled from their country or they are being killed. The only information we can get is what we read or what we see on television, that the women are being raped, people are being murdered, and that there are mass graves.

The question we are asking, and the question which was asked on March 25, is that if you need to use air strikes, that is one method; however, without ground troops, really, will there be anything left to warrant sending peacekeeping troops into the State of Kosovo?

That is my question, and it is a concern. It is not confrontational. I should like the Leader of the Government in the Senate to understand that we are prepared to support and, if need be, do whatever we must to do what is right.

I, like many, was appalled as we all sat on our hands and watched the Rwanda situation. Nobody in the world did anything. Therefore, I ask, in all fairness and in the spirit of non-partisanship, is there no way that we can expedite this theatre of activity without seeming to be waiting for the Americans to get the right polls so that they can go in and do the right thing?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am aware that Canada has an infantry battle group that I understand is being made ready in the event that they would be called upon for peacekeeping measures. We have a reconnaissance squadron, plus helicopters. Canada is one of five countries involved in strategic strike campaigns. We have, as honourable senators would know, 12 CF-18s in that area, plus two Hercules aircraft which are there primarily for transport and humanitarian aid.

By way of observation, when we think of NATO, we think purely in terms of its military activities. I would suggest to my honourable colleagues on all sides of the chamber that NATO at the present time is probably the most effective humanitarian aid group in the world.

Some Hon. Senators: Hear, hear!

INDUSTRY

RESOLUTION OF INTERPROVINCIAL DISPUTE INVOLVING CONSTRUCTION INDUSTRY—ABSENCE OF DISPUTE SETTLEMENT MECHANISM IN AGREEMENT ON INTERNAL TRADE—GOVERNMENT POSITION

Hon. James F. Kelleher: Honourable senators, my question is for the Leader of the Government in the Senate. Last month, the Government of Ontario announced measures to press the Government of Quebec to open its construction industry to Ontario workers. Since then, we have seen bridges blocked in the National Capital Region and much talk of an escalating interprovincial trade war.

We would not be faced with this trade war if the agreement on internal trade that the Prime Minister signed in 1994 had an effective dispute resolution system. In December 1996, the Minister of Industry admitted to *The Financial Post* that the dispute resolution system, agreed to by the Prime Minister, was:

Too slow, too cumbersome, too complicated and doesn't have enough teeth.

Over two years later, nothing has been done to address this problem.

Given the fact that an interprovincial trade war has demonstrated that this problem can no longer be ignored, will the leader consult with the Prime Minister and report back to the Senate on the precise steps that this government is taking to ensure that interprovincial trade disputes can be resolved effectively?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would be very pleased to do that. I know that this is a subject which Senator Kelleher returns to quite frequently. As a former minister of trade, he has a special interest in this area.

I should point out that many of the issues being disputed between Ontario and Quebec really fall outside of the agreement on internal trade. If I am wrong on that, then I am open to correction.

The agreement on internal trade, as I understand it, does not include specific commitments with respect to such things as enforcement of transportation, taxation, and workplace safety related measures. We, as the Government of Canada, encourage both Ontario and Quebec to continue to try and resolve their differences regarding construction work in particular. Our hope is for a speedy bilateral settlement between the two provinces.

Most certainly I will bring the representations of the Honourable Senator Kelleher to the attention of the Prime Minister and other colleagues who are directly involved.

• (1630)

Senator Kelleher: Honourable senators, in their 1993 Red Book, the Liberal Party of Canada recognized that interprovincial trade barriers were costing Canadians about \$6 billion every year. The Prime Minister promised that his government would "be committed to the elimination of interprovincial trade barriers within Canada and will address the issue urgently."

However, six years later, the bridges that unite Ontario and Quebec have been blockaded as a result of the Prime Minister's failure to fulfil his promise to eliminate interprovincial trade barriers. In fact, *The Globe and Mail* reported earlier this month that a spokesman for the responsible cabinet minister could not even confirm whether interprovincial trade was part of the Minister of Industry's portfolio.

Given that the Minister of Industry represents an Ottawa riding that is in proximity to these blockaded bridges, it is clear that a cabinet shuffle is long overdue.

Honourable senators, in its discussion of interprovincial trade, *The Globe and Mail* also reported that the Canadian Chamber of Commerce had concluded "the federal government does not think that this is a problem." For the record, I raised this issue in the Senate on June 2, 1998, and my records indicate that I never received a full response.

Honourable senators, this trade war demonstrates once again that this government has failed to promote interprovincial trade. As a result, Canada's job creation, investment and national unity have suffered. Will the leader consult with the Prime Minister and report back to the Senate on the action this government is taking to resolve this construction dispute and when he expects this trade war will be resolved?

Senator Graham: Honourable senators, the honourable senator is not as well informed as I thought he was.

Senator Kelleher: You would not be the first one to feel that.

Senator Graham: Honourable senators, I should point out that for construction contracts issued by government departments and agencies, specific provisions of the agreement on internal trade apply. If any province feels that another province is not fulfilling these commitments, they are free to call upon the dispute settlement provisions contained in the agreement.

Do not blame Ottawa, honourable senators. Ask the provinces why they are not making use of those provisions.

Senator Kelleher: Honourable senators, the reason they are not making use of the provisions contained in that agreement is not because I am misinformed. It is because the dispute settlement clause contained in the existing agreement, which the Prime Minister signed, is toothless, cumbersome, not effective and not binding. It does not work. That is why the Ontario government became so frustrated. That is why they have taken this action by themselves. The agreement does not work, and the clause that is supposed to make it work is totally inefficient.

Senator Graham: Honourable senators, I shall certainly bring that matter to the attention of my colleagues. However, I should say that the Government of Canada is working with the provinces to strengthen the procurement and labour mobility provisions and to finalize an energy chapter, which I believe Senator Kelleher is interested in as well. Our objective is to promote open markets within Canada by eliminating all barriers. Until that is achieved, our hope is that Ontario and Quebec can resolve their difficulties in the construction sector.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

NATIONAL DEFENCE— LAND FORCES COMMAND BUDGET SHORTFALL

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to question No. 57 on the Order Paper—by Senator Forrestall.

NATIONAL DEFENCE—LAND FORCES COMMAND BUDGET SHORTFALL—PLANS FOR FURTHER PERSONNEL REDUCTIONS

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to question No. 129 on the Order Paper—by Senator Forrestall.

ORDERS OF THE DAY

FIRST NATIONS LAND MANAGEMENT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Maloney, for the second reading of Bill C-49, providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management.

Hon. Gerry St. Germain: Honourable senators, I rise today to speak to Bill C-49, which deals with the ratification of the Framework Agreement on Land Management by 14 aboriginal groups which are in a position to opt into this legislation. Five of these bands are in my province, the province of British Columbia.

Senator Chalifoux, the sponsor of this bill, did an excellent job in presenting the legislation. Senator Ghitter has also spoken for our side, as has Senator Carney. All three senators have done an excellent job in trying to portray the concerns that have arisen as a result of this legislation.

In speaking to this bill, I would be remiss if I did not address the wider issue of aboriginal rights and the current situation that we are facing today in Canada.

Honourable senators, I sit on the Standing Senate Committee on Aboriginal Peoples. I view this work in as non-partisan a fashion as one will see within this entire institution. I do so because I believe all governments have partially failed in the past in trying to deal with aboriginal issues. I firmly believe that we must strike down partisanship when we deal with aboriginal issues in the country today.

Honourable senators, we are at a crossroads in our dealings with Canada's aboriginal peoples. Negotiations on many land claims agreements, especially the Nisga'a claim in British Columbia, have begun to pit well-meaning people against each other with regard to how they see the evolution of aboriginal rights, especially the right to self-government, which we are presently studying in our committee.

As parliamentarians, we are put in an impossible situation in many instances. Agreements are negotiated. Once signed, they become attached to a piece of legislation, and we must then consider it. If we question the legislation or suggest amendments, we are told that we are against aboriginal rights. Often the accusations are more extreme than that, unfortunately.

For example, we are told that the Nisga'a agreement is a template for all future land claims and self-governments, especially in British Columbia. I will speak to that in more detail later.

Later this year, we will receive a bill designed to implement this Nisga'a agreement. What are we to do with it? What are we to do with Bill C-49, which implements and gives legal effect to a number of land management agreements previously negotiated?

Parliament basically has no effective role in dealing with some of these aboriginal issues because it always receives agreements after they have been concluded. I know this is a problem, but I do not know exactly how to deal with it. We are studying the issue in great detail at the present time. I hope that we have the collective wisdom to come up with the proper solutions so that there is fairness on both sides.

Parliament, if it questions these arguments or rejects the implementation legislation, will actually be driving a wedge between the aboriginal community and the rest of Canada, instead of building a bridge, which I believe is the proper role. Our dealings with aboriginal issues should be constructive and, as I mentioned earlier, conducted on a non-partisan basis. Collectively we here represent all the people of Canada, and we should act to protect or enhance, as the case may be, the interests of all Canadians.

Unfortunately, the role of Parliament in aboriginal matters has become virtually irrelevant for many reasons. The aboriginal community has taken the debate to the courts, where they have been very successful. In the majority of cases, they have been forced to take that course. Hence, instead of debates in principle over aboriginal matters in Parliament, we are left with the courts defining these issues and reaching solutions, solutions which are then negotiated by bureaucrats, leaving parliamentarians to enact implementing legislation.

• (1640)

The *Delgamuukw* case recently decided by the Supreme Court of Canada is a good example. In this case, the Supreme Court of Canada described the nature and scope of aboriginal title, set out the rules for proving its existence, and ruled where it exists. It is a constitutionally protected right, according to the courts. The court went on to say that, in future cases, aboriginal oral history may be used with great weight attached to it to establish the right to assert aboriginal title to lands.

This decision overturned the British Columbia trial court's judgment as well as the judgment of the British Columbia Court of Appeal. The Supreme Court ordered a new trial. However, in ordering a new trial, the Chief Justice did not expect the parties to go back to court. He said:

Ultimately, it is through negotiated self-government, with good faith and give and take on all sides, reinforced by the judgments of this Court, that we will achieve the reconciliation of the pre-existence of aboriginal societies

with the sovereignty of the Crown. Let us face it, we are all here to stay.

Where is Parliament in this? I am concerned about uncorroborated oral history being used to establish land claims and self-governing rights. However, as a parliamentarian, I have no say. The courts have dictated.

I am not here court bashing. I believe that the Charter of Rights and Freedoms has taken us to where we are, but I still feel that Canadians want the supremacy of Parliament to prevail, that is, the other place and our Senate.

Honourable senators, we cannot right the wrongs of the past with money and legislation. Fair and just solutions to the problems of the past must be achieved in the context of the time period in which we live. As Prime Minister Pierre Elliott Trudeau said, "We should seek to do justice within our own time." I cannot be less partisan than by quoting a former Liberal prime minister.

There is an onus on us, as parliamentarians, to take the debate out of the bureaucracy and place it squarely here in Parliament, the senior legislature in the country. We must set down guidelines as to how this relationship between the federal government, the provinces and the aboriginal community is to continue, so that there will be certainty in all our dealings.

We can begin this movement by giving Bill C-49, which is now before us, close scrutiny, and recommend and implement changes which we believe are necessary.

I should like to address the problems associated with the non-native residents on the Musqueam Reserve, one of the 14 reserves that will be impacted by the passage of Bill C-49. The leases that they signed in 1965 were entered into between themselves and the Queen on behalf of the federal government. There is no mention of the Musqueam Indian band. Taxes were paid to the City of Vancouver. Since that time, property taxes have been reallocated to the Musqueam band and, in 1980, management of the leases was actually transferred to the Musqueam band by a ministerial letter of authority. This was not disclosed to subsequent purchasers and no notice of transfer was sent to those who bought properly previously by either the band or the federal government.

In addition to taxes, renegotiation of the leases to the land which supports the residential dwellings built by tenants is also in the hands of the Musqueam band. The band has increased the new lease rates to a new high of about \$28,000 to \$38,000 per year.

The result of all this, including two trips to the courts by the band, has been that the marketability and the negotiability of these properties has been put into question. Add to this mix the new power of expropriation which will be given to the Indian bands under Bill C-49 and we will have — at least in this portion of the province that I represent — chaos and panic. "Taxation without representation!" is being shouted across our province.

The only solution that I can envisage at this time requires the federal government involving itself to address the situation it has created. It must look seriously at compensating the non-natives living on the Musqueam band for their economic losses. The federal government must do this. I am sure the Musqueam situation will become the subject of hearings before the Senate Standing Senate Committee on Aboriginal Peoples. I intend to pursue solutions to it with those who appear as witnesses.

As I said earlier, the Musqueam is one of the 14 bands pursuing passage of Bill C-49. I have a litany of correspondence in regard to this which I will address at the end of my short presentation here today.

I should also like to address in some detail other problems presented in Bill C-49. Here I am repeating concerns that have been put to me by others, mainly from the Province of British Columbia.

First, Bill C-49 permits First Nations to develop land codes to regulate land use and management on reserves. However, the draft legislation provides only general guidelines for the required contents of a land code. First Nations will have significant discretion in determining how those guidelines are to be met in their individual land codes.

The minister has stated that the land codes must meet her approval. Bill C-49, as it is currently worded, does not require the minister's approval of land codes before they take effect. As long as a land code meets the requirements of the draft legislation and it is approved by its members, the verifier appointed under the draft legislation is obliged to certify it.

The verifier is a party independent of Canada or the First Nation. Once certified, the land code takes legal effect without further approval required from Canada. In fact, the verifier's decision on the land code is final and binding on the parties. Therefore, there is no supervisory role open to the minister with respect to the contents of the land codes.

Perhaps that is not so bad. Perhaps we are getting away from DIAND and the minister, and what have you. Perhaps this is an improvement in some ways. However, there are still hue and cries out there for checks and balances.

Second, the proposed First Nations power over expropriation as they are currently worded are unclear with respect to the purposes for which First Nations may expropriate interests in reserve land. Clause 28(1) of Bill C-49 states that:

A first nation may...expropriate any interest in its first nation land that, in the opinion of its council, is necessary for community works or other first nation purposes.

It is unclear what "other first nation purposes" may include.

Such language differs significantly from previous federal legislation, such as the Sechelt Indian Band Self-Government Act, giving a first nation the power to expropriate. The Canada Expropriation Act refers to expropriation for "a public work or

other public purposes." While in Bill C-49 expropriation power is intended to be limited to community purposes, the words used do not say that.

Clause 28 states that a first nation may expropriate land for any purpose that it may lawfully undertake, including commercial activities. The meaning of clause 28 is further clouded by the introduction of a subjective test for determining whether the purpose is valid "in the opinion of its council."

What constitutes a valid First Nations purpose is therefore not to be judged by an impartial body on objective grounds, as under the Sechelt Indian Band Self-Government Act and the Expropriation Act but, rather, by the first nation itself, based on its subjective view of what constitutes a First Nations purpose.

Third, Bill C-49 does not require a first nation to apply the Expropriation Act rules for determining fair compensation. The first nation is only required to "take into account the rules set out in the Expropriation Act." By way of comparison, the Sechelt band is bound to apply the rules of the Expropriation Act. The imprecision in clause 28(5) as it is currently worded, combined with the unknown nature of the internal appeal or dispute resolution process to be developed by First Nations under their land codes, suggests that an expropriating first nation will not be bound to apply the Expropriation Act rules in determining fair compensation.

There is no supervisory role in this procedure for the minister.

• (1650)

I am also concerned about the effect that this bill will have on the rights of aboriginal women. Senator Chalifoux pointed to this same concern at the conclusion of her speech. First Nations which opt into the statute will have a year to establish rules for the disposition of property on the breakdown of marriage. At present, this situation is dealt with by tradition in the band or by the band council. Indian women's groups are concerned that the new regime developed under this bill will not protect them or their children. As senators we are obligated to try to come up with a workable solution that gives these people living on reserves the comfort they rightly deserve.

Honourable senators, this bill, while attempting to give our aboriginal people more control over the land they occupy, creates some problems. I hope the government is willing to listen and accept proposals to solve these problems.

As we know, many government members in the other place, while they did not like this bill, voted for it, hoping we would amend it. Let us not disappoint our friends in the other place. I know what it is like to be in that situation in the other place. I know how often you are forced to vote a certain way. I was the caucus chairman of 211 members at one time. I know exactly what happens. If we are going to be non-partisan and fair on all sides, we cannot point fingers at anyone.

Senator Kinsella: Name names!

Senator St. Germain: No, I will not name names. I said I would be non-partisan so I will not name names. I will try to understand and, because of my experiences on the other side, I will not pick on anyone. I will simply direct my attention to the bill and try to come up with some good solutions. Let us do what is correct for all Canadians.

There is much more to be said about Bill C-49, but let me conclude with these more general remarks. I will likely speak again on Bill C-49 after we hear witnesses and study the bill and consider recommended amendments.

Honourable senators, I am not trying to fan the flames of discord regarding aboriginal rights in this country. However, if we fail to deal properly with their issues, we will create greater problems than those we now face.

I received tons of letters. I have some of them here.

The Hon. the Speaker: Honourable Senator St. Germain, I regret to inform you that your 15-minute time limit has expired.

Senator St. Germain: Your Honour, would you question such a great speech? May I continue, sir?

The Hon. the Speaker: Honourable senators, it is not my responsibility to decide whether speeches are great or not. However, is leave granted for the honourable senator to continue?

Hon. Senators: Agreed.

Senator St. Germain: Thank you, honourable senators.

I have received over 100 letters regarding the Musqueam lease and tax issues and on Bill C-49. I have spoken to people all across my province. I have been to Castlegar and to Prince George and all through the lower mainland. One day, I was sitting in a Pemberton restaurant. There was a logger there named Jeff McLeod. He lives right next to Mt. Currie, one of the larger reserves in British Columbia. I asked him what he thought about these native issues that we are trying to address in government. He answered that he knows many Westerners are labelled as rednecks because they work in the bush and wear suspenders, because they hunt occasionally and they drive these big logging trucks. He also said he honestly believes that most people in British Columbia want to do what is right for our aboriginal peoples. They see that some natives have suffered from their treatment in residential schools. They see them shuffling along, having lost their dignity and their pride because of the things done to them in these institutions. The people want to do something for them instead of doing things to them, and he said he would support me.

Then he asked if I was shocked by that response. I told him that I was not, and he urged me to do what is right. He urged us not to fall for the run-around given by bureaucrats or lawyers but to do what is right. He urged us to take up our lead role as senators and, in that way, we would regain respect. He asked us not to blindly follow the so-called academics and wise people who so far have not resolved anything. If we do what is right, he said, we will have the support of all British Columbians.

We talked about the petitions compiled and the referendums taking place in our province with regard to the Nisga'a agreement. He said those actions are not necessary and that they would not vote against a people who have been historically downtrodden ever since we as Europeans began to occupy this land with them.

Honourable senators, the will is there, if we do things correctly. The Premier of British Columbia called the Nisga'a agreement his deal, the "Clark deal," despite the fact that negotiations have been ongoing for 120 years. He comes out of the wood work in the 1990s and suddenly it is his deal. Premier Clark is running roughshod over the Nisga'a agreement. He has turned it into a political football, saying he will stake his political future on it. That is totally wrong. I would urge the federal government to become more vociferous on this issue. This issue should be properly respected and duly completed.

British Columbians know we must settle this issue once and for all, and it must be settled with the knowledge that there are 15 other potential negotiations waiting to follow.

Whether in reference to Bill C-49 or to the Nisga'a agreement, I hope the government can tell us, if it can, what the costs will be from a social aspect and from an economic aspect. That is a legitimate question which should be answered for British Columbians. British Columbians want to support this proposal. Their hearts are in the right place.

There is a perception in the eyes of some British Columbians that we no longer control our own destiny in some of these issues. It is our responsibility as senators to convince them that their destiny is in good hands. Their destiny is in the hands of senators who have knowledge and experience and who will put aside partisan ways to settle these issues. So far, every government has failed to deal effectively with this issue. Otherwise, I would not be standing here today. I would be in British Columbia golfing or flying my airplane —

Senator Whelan: Or taking care of your chicken.

Senator St. Germain: — or taking care of my chicken.

The Chief Justice of the Supreme Court said it best when he said: Let's face it; we are all here to stay.

Honourable senators, we must take part in the debate on Bill C-49. We must work together towards a resolution because yes, we are all here to stay.

Hon. Senators: Hear, hear!

The Hon. the Speaker: If no other senator wishes to speak, will proceed with the motion.

It was moved by Honourable Senator Chalifoux, seconded by the Honourable Senator Maloney, that this bill be read the second time. Is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Chalifoux, bill referred to the Standing Senate Committee on Aboriginal Peoples.

• (17:00)

PRECLEARANCE BILL

REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Foreign Affairs (Bill S-22, authorizing the United States to preclear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health, with amendments), presented in the Senate on March 24, 1999.

Hon. John B. Stewart: Honourable senators, I move adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Did you wish to speak, Senator Stewart?

Senator Stewart: I had not intended to speak because it seemed to me that the report speaks for itself. However, if there are questions, I will try to answer them, although I do not pretend to understand all the legal implications of some of the clauses. We will do the best we can.

Hon. A. Raynell Andreychuk: Honourable senators, I am inclined to agree with Senator Stewart that the report speaks for itself. However, I did want to put on the record a few comments about Bill S-22, a bill covering preclearance.

Preclearance has been known in Canada, since we have had it in place at some airports for some time, and it is a principle with which I think every member of the committee — and certainly most Canadians — agree. It is more efficient, and it is certainly easier for goods and for people to preclear through our airports and our points of entry into the United States. We have been used to what was originally a pilot project and an informal system whereby we would submit to American authorities here in Canada, preclear, and then be on our way to the United States.

More recently, however, there has been a preclearance project in British Columbia, which will now be expanded through Bill S-22, and it is intended that there be a reciprocal piece of legislation with the United States entering into the same type of legislation through their Congress.

The difficulties that I want to put on record are these: While we all agree with preclearance, under the existing system Canadians could voluntarily submit and be questioned by American authorities. If at any time we felt we did not want to continue, we had the option to withdraw, and we could, therefore,

withdraw and remain within Canada. With the bill, a certain procedure is put in place that seizes American authorities with the right to not only question Canadians entering the United States, but also to require Canadians to submit to a search by the American authorities with respect to the American law. This will also cover third parties who come to Canada for the purpose of entering the United States.

This piece of legislation is financially rewarding, perhaps, to Canadian air carriers because it will now be a more competitive routing for them, and certainly one more advantage for non-Canadians travelling from outside of Canada to choose of transiting through Canada into the United States. They will, therefore, enter a transit area, be taken immediately off the airlines and put into the transit area, submit to U.S. authorities, and continue.

The problem that the committee faced was the fact that we, with our sovereignty in Canada, would be allowing American authorities, with the assistance of Canadian authorities, to implement American law. This is a measure that I do not think we should take lightly. During discussions on Bill C-55 and others, we talked about Canadian sovereignty and the need to protect Canadian sovereignty. While the concept of preclearance is one with which we all probably agree, we should be very careful to understand that under Bill S-22 we are, in fact, allowing American authorities to exercise their authority on Canadian soil, and thereby affecting Canadian sovereignty.

The committee did an excellent job. I must commend the chair for providing time for the witnesses to deal with this act. We made a number of amendments. In the main, I accept the amendments. They go a long way towards easing some of the concerns about the search and seizure that was originally placed in the act for American immigration officers.

However, I find that some of the amendments do not go as far as I would have liked. In other words, there is still a section that is permissive, allowing that if a traveller refuses to answer any questions asked for preclearance purposes, the preclearance officer may order the traveller to leave the preclearance area. However, it is permissive to the officer, not to the traveller, and this gives me some concern.

We were told that this act would only go forward and be administered with the continual consultation and involvement of authorities from the United States and Canada. While this may be true, we should all be aware of the fact that how an American immigration officer conducts himself in Canada can have an effect on the reputation of Canada, and the attitudes of tourists about Canada and our immigration processes. It is not far-fetched to believe that tourists or third parties who enter Canada will be confused as to the treatment that they have received. Was it really at the hands of the Americans, or was it at the hands of Canadians with Americans?

I have some concern that the Canadian government should be very cautious and vigilant in the way that it administers this act by establishing a pilot period in order to ascertain whether, in fact, it serves our purposes and maintains the integrity of our system.

I have some difficulty also with the fact that third parties will be entering through Canada for immigration purposes into the United States. The United States' immigration authorities will have the right to deny access to these people to enter Canada. These people will then forthwith be taken to the Canadian authorities for the purposes of processing them into Canada. That means that all cases that do not make it through to the United States instantly become the responsibility and the problem of the Canadian authorities. Who will pay for this extra burden and how they will be processed in Canada remains to be seen.

Further, will we be used as a conduit? Will there be immigration representatives in other countries using one or the other method and technique to bring people to Canada with the ostensible purpose of entering the United States, but really for the purpose of trying to get into Canada? In other words, will they be queue-jumpers in the process of coming into Canada either for immigration or refugee status? We were told that this would probably not be likely because the American visa system is rigorous, but we were also told by immigration lawyers that the system is different, and that this could, in fact, take place. Therefore, I have some concern that we maintain and continue the integrity of our immigration process and not be subject to the whims and wishes of the American authorities when they either allow or disallow immigrants to pass through into the United States.

We were also told that there will be signs posted in third countries telling people that this might happen to them because when people will be entering the United States for purposes of immigration, they will certainly deal with the United States authorities only for the purposes of the United States immigration. However, should they fail at the last step in Canada, how will they know that they are then subject to Canadian immigration and entry processes? The answer we were given was that there will be some notices posted in other countries. If we take Thailand as an example, somewhere in the airport there will be a notice telling you that if you are taking a plane, for example Canadian Airlines going through Vancouver into Seattle, you may be in a position of not being allowed into the United States and will need to stay in Canada. However, one wonders whether all people will read the signs and have the language to do so, because we cannot assume that only people from Thailand will be boarding the planes in Thailand. That could be their third, fourth or first or second stop in entering Canada. Thus, I see that there are some mechanical difficulties that must be addressed.

• (1710)

One other issue that troubled me was the fact that we were told that, despite the fact that this area will be the domain of American law, the Charter of Rights and Freedoms will apply. That may be true. We were told by representatives of the Department of Justice that the protections in our Charter are much better than those which exist in the United States. However, the Canadian Bar Association pointed out that that is not necessarily the case. There is case law and procedure in the United States that may be more advantageous to the client than the Charter of Rights and Freedoms. Thus, two sets of standards

that will apply, which leaves one wondering whether that is fair and just.

Will there be the ability within the American system to fully bring forward a bilingual capacity, which is one of the commitments of the Canadian government? We were told that the United States authorities have bilingual officers. However, one needs to be vigilant that anyone passing through Canada will be afforded the ability to communicate in both official languages. I think this needs more scrutiny.

Overall, I believe that preclearance is a good idea. No one disagrees with it. However, the fact that we will have U.S. laws entrenched into our law for the first time, causes me some difficulty.

This is to be reciprocal legislation. However, we were told that, while enabling legislation may be passed in the United States, there will be no preclearance centres in the United States. In fact, the reciprocity, which this bill has as its main principle, will not be in place because of the insufficient flow of traffic from the United States into Canada. A pilot project may be put in place in Anchorage, Alaska. One wonders if, in the long run, we are doing the right thing by giving so much authority to the Americans.

The amendments that were put forward go a long way to ease my concerns about the full force and authority of the Americans. However, it has yet to be tested in practice. Therefore, I urge both the Government of Canada and honourable senators to monitor this legislation after it is passed to ensure that it works to the benefit of Canada and the travelling public. If there is a different standard of care and hospitality afforded by American officers from that which Canadians demand of their officers, then we should note that and consider whether further changes require to be made.

What troubled us most was that, if an answer given to an American officer was deemed to be false, then the person could be subjected to a search. I think an amendment has improved the legislation. However, it does not go the full measure to alleviate my concerns of having to submit to American authorities on Canadian soil.

While I support this bill in principle, and I certainly support the amendments, I would signal some warnings of difficulties with it. To date, we have received complaints from some people who have been treated less than properly by American officials. These cases were taken up informally. With passage of this bill, I hope that we will rigorously ensure that American officers on Canadian soil adhere explicitly to the act and utilize customs and attitudes that are consistent with Canadian values.

Hon. John B. Stewart: Honourable senators, I should like to ask the honourable senator a question.

She referred to the situation where a traveller presents herself or himself for preclearance. I assume she did not wish to imply by what she said that the traveller who does this is locked into, as it were, a preclearance tunnel. Clause 10(1) of the bill states:

Every traveller has the right, at any stage of the preclearance process, to leave a preclearance area without departing for the United States, unless a preclearance officer informs the traveller that the officer suspects on reasonable grounds that the traveller has committed an offence under section 33 and 34.

As I understand it, a traveller has the right to say, "I have changed my mind," and to walk away. Clause 10 states "...that the officer suspects on reasonable grounds that the traveller has committed an offence..." However, we changed clause 33 of the bill to deal with the situation where a person makes an oral or written statement with respect to preclearance of the person or goods, and that person does so believing that she or he is telling the truth. The mere fact that the officer suspects does not become reasonable grounds for the traveller to be subjected to what formerly were the consequences of clause 33, because that clause has been amended.

I do not want to leave the suggestion that when you go in the door, you are trapped in the tunnel until the Americans let you out the other end of the tunnel.

Senator Andreychuk: Senator Stewart is right. As the clause was originally worded, a traveller would be "trapped in the tunnel," as the honourable senator has said. The amendments will now eliminate that situation. However, a traveller would still be trapped in the tunnel, as I understand it, if the officer suspects that an offence has been committed. Therefore, it remains to be seen how that will be implemented.

Senator Stewart: Honourable senators, the making of a statement which although inaccurate was not wilfully inaccurate does not constitute reasonable grounds for the imposition of the charges and the penalties which formerly were set out in clause 33 because the wording of clause 33 has been completely revised.

Senator Andreychuk: Honourable senators, that is another issue that I think has been dealt with correctly by amending the first draft of the bill. The penalties have been lessened. Therefore, that part has been corrected.

• (1720)

However, I still believe some discretion should be left in the hands of the officer if there are some reasonable grounds to suspect that an offence has been committed, and it remains to be seen how that will be implemented.

As I say, we have come light years from what we had. Previously, we were at the total mercy of the American system, in my opinion. We were trapped in the tunnel, and no matter what statement we made, it was the officer's interpretation that ruled the day. We are now saying that it must be the answer. As you say, the refusal by a traveller to answer any question asked by a preclearance officer does not, in and of itself, constitute reasonable grounds for the officer to suspect that the search of a traveller is necessary, whereas it did before. Nonetheless, we still have in one area a permissive section for the officer to search, and that causes me some difficulty.

There may be some very valid reasons, because we are talking about people who may be travelling with drugs, or indulging in other activities, and it may be in our best interests that these people be detained also and searched. However, the opposite could be true, and therefore I believe that there is some reason to worry about this legislation.

I commend to all senators a reading of the Canadian Bar Association report because the committee there raise these concerns, but they also put it in the same language that I have, that everyone is in support of the preclearance concept. It is merely to make sure that we do it right, and that we monitor to ensure that the American authorities understand the sensitivities of the Canadian system and the Canadian needs.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for my colleague Senator Andreychuk. If the chairman of the committee wishes to address this question as well, perhaps he could find a means to do that.

Did your committee canvass the matter of sovereignty and to what extent Canadian sovereignty is being yielded?

I watched an interview on CPAC with the Canadian Ambassador to the United States, Raymond Chrétien, and on commenting on this measure, he made the remark that yes, there will be some sovereignty that we would be giving up, and he thought that was a good thing. Therefore, my question to the committee, through either Senator Andreychuk or the chairman, is: Did your committee canvass the question of sovereignty?

Senator Andreychuk: I believe that was the whole premise upon which we questioned many of the clauses in this bill on preclearance. We all came to the study of the bill with the attitude that preclearance was a good and desirable thing. However, when we started reading the bill, we began to realize that some sovereignty would be given up. The question is what is a legitimate amount. That is probably the wrong legal phrase. What must we give up and what do we gain, was the way in which we weighed it, and I believe that a minimum amount of sovereignty is being given up with the one exception. As I say, there is a permissive clause that gives me some concern as to how it will be interpreted.

The question is that if at some point we believe that the law is not being interpreted and administered appropriately — and this is my comment — I would hope that the government would monitor the situation and either amend this act or withdraw it completely if it does not serve our purposes.

By virtue of implementing this act, there is some measure of sovereignty that is given up, however legitimate the amount, as we often have done in many of our past proceedings, particularly when we submit to any international scrutiny or other bilateral scrutiny.

Senator Kinsella: Could the honourable senator inform us as to whether or not this procedure requires any enactments by the Congress of the United States, or is there in place sufficient authority under whatever instrument, their naturalization or their customs legislation? Must the Americans pass similar legislation?

Senator Andreychuk: Honourable senators, as I understood the evidence before the committee, the aim of the negotiation was that there would be a reciprocal agreement, and we were advised that the Americans are proceeding with reciprocal legislation in the United States but that it has not gone as far as ours. In fact, we will be passing our act before theirs passes. The Americans, however, will not be implementing their act because there was no need to have a preclearance centre in the United States. It was simply not efficient. There are not enough travellers coming from the United States.

I believe the people who have applied the most pressure to have this legislation in place have been the airline companies in Canada, who stand to benefit from the increased traffic and from the easier flow of goods from Canada to the United States. My memory fails me now, but I do not believe that the Americans need to pass any enabling legislation for our portion of the act to come into effect. Their customs officers can take positions in Canada, as they have done already and under a slightly different basis, so there is no enabling legislation they need. However, there will be reciprocal legislation.

Senator Stewart: I should like to ask a supplementary question just to get more information.

The Hon. the Speaker: Honourable senators, the time period has been far exceeded. Is there leave granted to extend the question period?

Hon. Senators: Agreed.

Senator Stewart: Senator Andreychuk touched upon this angle, and I believe she covered approximately 75 per cent of the ground. Is it not true that, simply because of the shape of the globe, more travellers from third countries are likely to present themselves at Canadian airports who are going to the United States than vice versa? If a traveller is coming, let us say, from Japan, Vancouver is a very convenient point of entry. It is a more convenient point of entry than Los Angeles or San Francisco to the North American continent, unless one's ultimate destination is next door, to San Francisco or Los Angeles. The same is true on the East Coast. It is easier to come into North America through a Canadian airport, especially if one is going to the American Midwest. Is that not true?

Senator Andreychuk: The short answer is certainly yes, and we heard that so many of the air routes are routes over the North Pole, and that it is convenient to stop in Canada going the other way. Those are existing patterns both from Europe and from Asia.

However, I would take the opportunity to also state that we have two excellent airlines which provide the kind of service and the competitive air fares that make it desirable for tourists and business people to take the Canadian alternative with the one problem, that they were required to come into Canada, clear Canadian customs and then clear U.S. customs. We are now giving them an added incentive to take this route, as opposed to other carriers. I believe it commends itself that way also.

[Translation]

Hon. Normand Grimard: Honourable senators, Senator Andreychuk said repeatedly that she did not take kindly to American immigration or customs officials conducting searches on Canadian soil. I agree with her but, 20 years ago, when we were travelling to Florida from Montreal, Toronto, or Vancouver, we had to go through customs in Miami, Tampa or elsewhere in the United States. At that time, American customs officials acted on their own territory.

It is a great advantage to have this American customs service in Canada, in our international airports. In my view, there is no inconvenience to American customs officials preclearing us in Canada. It is an improvement, because I would rather be cleared by American officials in Canada than in the United States. I therefore disagree with you on that score.

[English]

• (1730)

Senator Andreychuk: Honourable senators, some people expressed the view that there was some advantage in how Americans could deal with Canadians on Canadian soil. I certainly is a convenience.

However, up to this point, it was by agreement and, may I say a project. Now it will be law. It is incumbent on us to ensure that if action is taken by Americans on Canadian soil, it is the least intrusive into our sovereignty and that it is with the spirit and attitude that is in keeping with Canadian values.

As a traveller, I always find it convenient to clear customs quickly after a long trip. This bill is before us so that we may enjoy that convenience.

On motion of Senator Kinsella, debate adjourned.

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. John Lynch-Staunton (Leader of the Opposition): moved the second reading of Bill S-27, to amend the Canada Elections Act (hours of polling at by-elections).

He said: Honourable senators will recall that the 1997 election was the first one held which provided that polls across the country closed more or less at the same time. As a result definitive results from the east are no longer known while voting is still taking place in the west.

There were complaints, particularly from British Columbians that votes cast there lost their significance or could even be influenced by the results from the more populated central provinces, particularly when a party was being heavily favoured and voting on the West Coast would make no difference to the final outcome.

Bill S-27 provides an exception for by-elections by allowing poll hours between 8:00 a.m. and 8:00 p.m., no matter the time zone in which the by-election is being held. There have been two by-elections since the 1997 general election, the first in Sherbrooke, in September, 1998, and the second one yesterday in Windsor—St. Clair. The polls were opened from 9:30 a.m. 9:30 p.m., as the Elections Act does not differentiate between a general election and a by-election. If I were as politically partisan as Senator St. Germain refuses to be, after hearing the results from both ridings, I would have preferred to keep the polls open indefinitely. However, once again, I put partisanship aside in favour of the national interest.

There are those who will point out that a number of by-elections can be held in different time zones on the same day and that the law affecting a general election should apply in such a case. I doubt if knowing the results of a by-election in the east before voting in one in the west would have any influence on one's choice as the government would likely remain the same the next day.

I have deliberately avoided complicating the issue by suggesting exceptions to the bill. I believe the main argument for it is valid, that savings in human and financial resources would be affected by holding by-elections at what are considered reasonable hours, 8:00 in the morning until 8:00 in the evening, while causing no inconvenience to the elector. This makes it easier for the candidates and their supporters to either enjoy the results or to try to get away from them as soon as possible.

Among those most qualified to evaluate Bill S-27 are the Chief Electoral Officer and his officials. I look forward to their comments as well as any others which this bill may provoke when it goes to the Standing Senate Committee on Legal and Constitutional Affairs which I hope it will do in due course.

On motion of Senator Carstairs, debate adjourned

MERCHANT NAVY WAR SERVICE RECOGNITION BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator Atkins, for the second reading of Bill S-19, to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment.—(*Honourable Senator Carstairs*)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, may I might ask Senator Carstairs a question with reference to Bill S-19? Tomorrow will be the 14th day that this matter has been stood. Senator Forrestall has been inquiring whether or not we would hear from Senator Carstairs tomorrow or the next day.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, if you do not hear from me

at length, then you will hear from me briefly enough to extend the matter.

Order stands.

REVIEW OF NUCLEAR WEAPONS POLICIES

MOTION ADOPTED

Leave having been given to revert to Order No. 128:

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Lavoie-Roux:

That the Senate recommend that the Government of Canada urge NATO to begin a review of its nuclear weapons policies at the Summit Meeting of NATO April 23-25, 1999.—(*Honourable Senator Roche*)

Hon. Douglas Roche: Honourable senators, I rise on a point of order. As this motion is in my name, I have some interest in it. Perhaps I am a little confused, but as I saw Senator Kinsella rising to speak to this matter, I questioned whether he could proceed because of the time constraints related to the debate on this motion.

The Hon. the Speaker: I thought I had heard the word "stand" when the order was called. I would ask honourable senators who wish to stand orders to say so more loudly so that there will be no confusion at the Table.

This matter was stood. It cannot be debated at this time.

Senator Roche: Honourable senators, is it possible to ask for unanimous consent that Order No. 128 be debated at this time?

The Hon. the Speaker: I find myself in an awkward position because the matter has been stood. However, I could consider a request by the Senate to revert to this order. I would point out, however, that the order stands in the name of Honourable Senator Di Nino, though nothing would prevent another senator from speaking, of course, if such is the wish of the Senate.

Honourable senators, is it unanimously agreed to revert to Order No. 128?

Hon. Senators: Agreed.

• (1740)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Senator Di Nino, who has injured himself and will not be here for a period of time, took the adjournment of the debate on this motion prior to the Easter recess. The reason I wish to hear the full reading of the motion is that it is time sensitive. The motion by the Honourable Senator Roche was to the effect that the Senate recommend that the Government of Canada urge NATO to begin a review of its nuclear weapons

policy at the NATO summit meeting on April 23-25, 1999. That time-frame for the summit meeting, 10 days from now, has caused me to rise, mindful of Senator Di Nino's indisposition, to say a few words on his behalf. The matter can then be adjourned in the name of another senator. Senator Di Nino wished to make a few points on this motion.

This motion makes a recommendation to the Government of Canada to take a certain course of action. Of course, the Government of Canada is represented by the cabinet. I would suspect that, by tradition, the cabinet meets once a week at least. Therefore, the cabinet will probably be meeting in the next day or so, prior to this meeting of the NATO summit. I think that is part of the reason there is a certain time consideration to this matter.

Honourable senators, recently we passed another motion dealing with NATO. Indeed, we referred the matter, with instructions, to the Standing Senate Committee on Foreign Affairs. The involvement of NATO in the bombing of Yugoslavia these days is very much front and centre in our considerations. Given the fact that NATO is celebrating its 50th anniversary, and that this is the first time that NATO has gone into an offensive posture in its history, I believe there are many NATO policies that Canadians would want to reassess. The course of history demonstrates that this particular alliance has evolved and its policies have evolved. Therefore, there must be a thoughtful consideration in our country of that evolution of policy, and whether we are clear on NATO policy as we go into the new millennium. This particular subset of questions, namely the review of NATO's nuclear weapons policy, is one among many NATO policy questions that I am sure many Canadians have these days.

I am not sure, in the order of priority, whether that is the most important policy question that should be addressed; I am sure, however, that it is an important policy question.

Honourable senators, speaking for my colleague Senator Di Nino and my colleagues who discussed this matter in our caucus, we are prepared to support the motion.

The Chairman: If no other honourable senator wishes to speak, is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it is my intention to speak to the sixth budget of the current Minister of Finance, which was delivered in the other place, but in my wild enthusiasm for what I might have to say, I may very well speak past six o'clock. Perhaps I could have agreement in advance that, if we reach that particular point, we will not see the clock.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, there is agreement from this side that we will not see the clock should we still be dealing with business at six o'clock.

The Hon. the Speaker: Is it agreed, honourable senators, that if we are still in session at six o'clock, I will not see the clock?

Hon. Senators: Agreed.

THE BUDGET 1999

STATEMENT OF MINISTER OF FINANCE—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 16, 1999.—(*Honourable Senator Graham, P.C.*)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, along with speaking to the sixth budget of the Minister of Finance, I also intend to address some of the more interesting assertions and claims made by our honourable colleagues opposite in their analysis of this most excellent budget, and in their historical reflection on budgets in the era during which they last sat on this side of the chamber.

The 1999 budget articulates the government's vision for tomorrow — a vision of Canada with a strong economy and a secure society. The budget also sets out the government's plan for today — a plan that will make our vision a reality; a plan that generates a higher standard of living for all Canadians and builds a foundation for making Canada an even better place to live.

This is the same goal that we have consistently pursued through the last five budgets. The government has followed a strategy designed to advance living standards by promoting well-paying jobs, productivity growth and equal opportunity for all, and providing a safety net for those in need. This strategy, applied through each of the government's budgets, takes actions on three fronts: maintaining sound economic and financial management; investing in key economic and social priorities; and providing tax relief and improving tax fairness. All three elements of this plan work together to improve the standard of living and the quality of life for all Canadians.

First, strong economic growth, the elimination of the deficit and a reduced debt burden give the government the flexibility to take important initiatives in key areas of the economy. As we all appreciate, the elimination of the deficit was not an end in itself.

• (1750)

Second, investments in health care, in people, in research and innovation, and in other key areas, improve the opportunity for Canadians to work and improve their quality of life.

Third, there is tax relief that is broad-based and permanent — that is, not financed with new borrowing — and will not jeopardize the soundness of Canada's finances. Overall, our balanced, three-front strategy has already proven that it is working, and working well by producing unprecedented results: the elimination of the deficit, low interest rates, the creation of over 1.6 million jobs, and an unemployment rate of 7.8 per cent.

Some Hon. Senators: Hear, hear!

Senator Graham: I might add that these achievements were hard won, and were achieved in the face of the harshest of starting conditions for the government. That is, a serious recession, high unemployment, high interest rates, debt servicing charges and, finally, low confidence in financial markets regarding Canadians' ability to meet fiscal objectives.

While I know that the government's critics, including those on the benches opposite, struggle with this government's tactical approach of setting firm two-year rolling targets to attain our strategic objectives, I should like to point out that this approach has actually worked. It is this government's consistency in setting reasonable, step-by-step targets and then achieving them that has given Canadians and the financial markets the confidence to plan for the future and attain the high level of growth experienced in the last five years. Look at how far we have come from a \$42-billion deficit for the fiscal year 1993-94 to a \$3.5-billion surplus for 1997-98.

Senator Kinsella: Yes, thanks to free trade!

Senator Graham: We have come from a debt-to-GDP ratio that was growing at a rate of about 5 percentage points a year to a debt-to-GDP ratio that, in 1997-98, saw its largest single decline since 1956-57: from 70.3 per cent to 66.9 per cent. It is expected to fall to 65.3 per cent in 1998-99, and to fall under 62 per cent in 2000-2001.

Let us look at market debt. The debt outstanding and held by investors is expected to decline to about \$457 billion in 1998-99, down about \$20 billion from its peak.

Honourable senators, I would not normally wish to take time from speaking about the many positive initiatives in this budget to discuss the record of the previous government. However, I cannot, in good conscience, let go unchallenged some of the assertions made by the Honourable Leader of the Opposition in this debate. In particular, I should like to draw the attention of this house to the legacy of the last government in terms of its inability to meet its own goals for financial responsibility.

In November of 1985, the then minister of finance, Michael Wilson, set out what he called his "realistic medium-term plan" for discussion in a paper entitled: "Reducing the Deficit and Controlling the National Debt." In it, he stated that the government had taken steps that, by the early 1990s, would reduce the annual deficit by \$19 billion; reduce public debt charges by \$4 billion per year; and, in his own words, reduce the stock of debt by \$70 billion. How Mr. Wilson intended to both reduce the so-called stock of debt and still run a deficit was not

obvious. The important fact to note is that none of his five-year targets were met.

Let us now look at the facts as of 1990-91, after the so-called realistic five year plan had run its course. Rather than the debt having fallen by \$70 billion, net public debt had increased by \$183 billion. Rather than the annual deficit having fallen by \$19 billion, the annual deficit had only fallen by \$6.4 billion, and rose in each year thereafter. Rather than public debt charges having fallen by \$4 billion, public debt charges had risen by a staggering \$20.2 billion. On not one of these objectives did the government come within a mile of its targets.

The Honourable Leader of the Opposition tried to make the point that the national debt only tripled under the nine years of Conservative government. Let us look at the absolute numbers. The debt rose from \$208 billion to \$508 billion. That is \$300 billion in just nine years — a sum greater than the accumulated deficit or debt incurred by previous Canadian governments since the time of Confederation. Looking at the best measure of Canada's ability to support its national debt, the debt-to-GDP ratio, we see that it nearly doubled from 40.1 per cent to 66.7 per cent. Would the Leader of the Opposition seriously argue that sending Canada's leverage ratio skyrocketing to the second highest among the G-7 nations was the work of a government of fiscal prudence? Were there extenuating circumstances? I would argue that there were not. This record was nothing less than a squandering of the opportunity to restore the nation's finances.

In the mid and late 1980s, Canada, like a number of OECD nations, experienced one of its greatest economic expansions. The recession of the early 1980s was behind us, and the opportunity to bring the federal government's fiscal house back under sound management was as bright as it has been in this half of the century. However, honourable senators, it is clear that the restructuring did not take place, and that the present Liberal government was thus obliged to make the tough choices needed, even while the economy was climbing out of severe recession. It was the present Liberal government that earned back the confidence of Canadians that government could follow through on a strategy, could set targets and keep them, and could be counted on to deliver sustainable measures.

• (1800)

Some Hon. Senators: Hear, hear!

Senator Graham: What does this mean for Canadians? It means that they can now have confidence in this government's ability to continue the initiatives it undertakes. It means that Canadians will not experience unaffordable tax cuts, as they did in 1984 and 1985, only to be followed by massive tax increases, as in 1986 and 1987. It means no more financing of investments and tax reductions out of new borrowings. It means that Canadians can count on us to continue to provide investments in key social and economic priorities, as well as broad-based tax cuts year after year and budget after budget. This is a result of our balanced approach: financial prudence, investments in the health and wealth of the nation, and fair tax relief.

Honourable senators, I should like to return to the particulars of this most excellent budget of the present Minister of Finance. I have spoken of this government's investments in Canada, and there is none that makes me personally more pleased and proud than the additional \$11.5 billion transferred for health care over the next five years. This is the largest single investment that this government has ever made. It is an investment in helping our provinces deal with the immediate concerns of Canadians about health care. It is an investment in one of our most cherished social programs — medicare. In fact, I would argue it is our most cherished program, one that represents the fundamental values of fairness and equity that defines us as Canadians.

However, this government's commitment to strengthening health care does not end with this \$11.5 billion investment. The 1999 budget also announced that the government will further invest about \$1.4 billion over four years in health information systems, research, First Nations and Inuit health services, and health problem prevention.

The 1999 budget also invests in Canada's economic future through a number of measures aimed at creating knowledge through research, disseminating and commercializing knowledge, and supporting employment.

In all, this represents over \$1.8 billion over the next four years. It builds on the Canadian opportunity strategy that was introduced in the 1998 budget and on knowledge and innovation investments in our previous budgets.

Honourable senators, fair tax relief is there also. The 1998 budget benefited low-income Canadians by increasing by \$500 the amount of income that they can earn each year before paying income tax. The 1999 budget builds on this by increasing that amount by another \$175 for a total increase of \$675. Even more, the 1999 budget extends this increase in the basic exemption to all taxpayers.

These measures will more than offset the effects of inflation on this exemption since this government came into office. For low- and middle-income families, there is an additional \$300 million for the child tax benefit. This is in addition to the \$1.7-billion increase in funding for the child tax benefit announced in the 1997 and 1998 budgets.

Further, this government, having successively defeated the deficit, is in a position to fully eliminate the 3 per cent surtax that was introduced by the previous government.

In sum, honourable senators, this budget is another important step in a journey that has taken Canada from a situation that compelled difficult cuts to a new era in which government can make sustainable investments, and a journey that has taken us from rising taxes to falling taxes.

The initiatives of this budget are mutually reinforcing. They build on what this government has done before, and they will work together towards an ambitious but achievable vision of

Canada's future. This budget vividly demonstrates that government can make a positive contribution to all Canadians as they go about their day-to-day lives at work or at home.

It is a budget that should be supported by everyone who cares about the future and, equally important, by everyone who remembers the failures of the recent past and acknowledges the achievements of the last five years. We have gone, remember, from a \$42-billion deficit to a \$3.5-billion surplus. We have gone from a debt-to-GDP ratio that was growing, to one that is falling faster than in any other G-7 country. We have gone from an 11.3 per cent unemployment rate to a 7.8 per cent unemployment rate through the creation of over 1.6 million jobs. We have gone from recession to steady growth, most recently with 4.6 per cent GDP growth in the fourth quarter of 1998, and we have gone from falling productivity to growing labour productivity of 2.9 per cent in 1997, its largest increase since 1984.

Honourable senators, we have positioned ourselves so that we can move forward from a sound financial footing on issues that are of the highest importance to Canadians, whether they be health care, learning, or child poverty. However, honourable senators, none of this would have been possible if we had not gone beyond saying what needed to be done and actually doing it.

In conclusion, let me repeat, honourable senators, that the great economic achievements of the last five years were no accident, nor were they the inevitable result of some alleged sacrifices made by past governments. This government faced grave circumstances with respect to Canada's economic fundamentals when it came into office. We decided that the status quo was not acceptable — that it was not good enough for us or for the people of Canada. We took decisions with what some consider an excess of prudence, but we did so in order to ensure that this government would not be going back to the people of Canada to report another set of failures and excuses.

Senator Lynch-Staunton: Just broken promises.

Senator Graham: Instead of failures and excuses, honourable senators, we have given Canada a firm foundation for the new millennium.

On motion of Senator Kinsella, for Senator Lebreton debate adjourned.

INCOME TAX ACT

INCREASE IN FOREIGN PROPERTY COMPONENT
OF DEFERRED INCOME PLANS—MOTION PROPOSING
AN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion as modified of the Honourable Senator Meighen, seconded by the Honourable Senator Kirby:

That the Senate urges the Government to propose an amendment to the *Income Tax Act* that would increase to 30 %, by increments of 2 % per year over a five-year period, the foreign property component of deferred income plans (pension plans, registered retirement savings plans and registered pension plans), as was done in the period between 1990 to 1995 when the foreign property limit of deferred income plans was increased from 10 % to 20 %, because:

(a) Canadians should be permitted to take advantage of potentially better investment returns in other markets, thereby increasing the value of their financial assets held for retirement, reducing the amount of income supplement that Canadians may need from government sources, and increasing government tax revenues from retirement income;

(b) Canadians should have more flexibility when investing their retirement savings, while reducing the risk of those investments through diversification;

(c) greater access to the world equity market would allow Canadians to participate in both higher growth economies and industry sectors;

(d) the current 20% limit has become artificial since both individuals with significant resources and pension plans with significant resources can by-pass the current

limit through the use of, for example, strategic investment decisions and derivative products; and

(e) problems of liquidity for pension fund managers, who now find they must take substantial positions in a single company to meet the 80 % Canadian holdings requirement, would be reduced.—(*Honourable Senator Eyton*)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, we support the motion that was moved by Senator Meighen and seconded by Senator Kirby proposing a number of amendments to the *Income Tax Act* that would increase to 30 per cent by increments of two per cent a year over a five-year period the foreign property component of the deferred income plans, pension plans, registered retirements savings plans and registered pension plans, as was done in the period between 1990 to 1995 when the foreign property limit of deferred income plans was increased from 10 to 20 per cent.

In view of the time of day and the impending meeting of the committee where a minister will be a witness, I would simply move the adjournment of the debate in the name of Senator Eyton.

On motion of Senator Kinsella, for Senator Eyton, debate adjourned.

The Senate adjourned until Wednesday, April 14, 1999 at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE GILDAS L. MOLGAT

THE LEADER OF THE GOVERNMENT

THE HONOURABLE B. ALASDAIR GRAHAM, P.C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STAUTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

RICHARD GREENE

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD

MARY McLAREN

THE MINISTRY

According to Precedence

(April 13, 1999)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. Herbert Eser Gray	Deputy Prime Minister
The Hon. Lloyd Axworthy	Minister of Foreign Affairs
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of Fisheries and Oceans
The Hon. Ralph E. Goodale	Minister of Natural Resources and Minister responsible for the Canadian Wheat Board
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. Sergio Marchi	Minister for International Trade
The Hon. John Manley	Minister of Industry
The Hon. Diane Marleau	Minister for International Cooperation and Minister responsible for Francophone
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Marcel Massé	President of the Treasury Board and Minister responsible for Infrastructure
The Hon. Anne McLellan	Minister of Justice and Attorney General of Canada
The Hon. Allan Rock	Minister of Health
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Christine Stewart	Minister of the Environment
The Hon. Alfonso Gagliano	Minister of Public Works and Government Services
The Hon. Lucienne Robillard	Minister of Citizenship and Immigration
The Hon. Fred J. Mifflin	Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency)
The Hon. Jane Stewart	Minister of Indian Affairs and Northern Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of Human Resources Development
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. B. Alasdair Graham	Leader of the Government in the Senate
The Hon. Lyle Vanclief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of National Revenue
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. Raymond Chan	Secretary of State (Asia-Pacific)
The Hon. Martin Cauchon	Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Hedy Fry	Secretary of State (Multiculturalism) (Status of Women)
The Hon. David Kilgour	Secretary of State (Latin America and Africa)
The Hon. James Scott Peterson	Secretary of State (International Financial Institutions)
The Hon. Ronald J. Duhamel	Secretary of State (Science, Research and Development) (Western Economic Diversification)
The Hon. Andrew Mitchell	Secretary of State (Parks)
The Hon. Gilbert Normand	Secretary of State (Agriculture and Agri-Food) (Fisheries and Oceans)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(April 13, 1999)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Gildas L. Molgat, Speaker	Ste-Rose	Winnipeg, Man.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver, B.C.
Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Paul Lucier	Yukon	Whitehorse, Yukon
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Philip Derek Lewis	St. John's	St. John's, Nfld.
Reginald James Balfour	Regina	Regina, Sask.
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ontario	Ottawa, Ont.
William McDonough Kelly	Port Severn	Mississauga, Ont.
Leo E. Kolber	Victoria	Westmount, Qué.
John B. Stewart	Antigonish-Guysborough	Bayfield, N.S.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuaq, Qué.
Daniel Phillip Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montréal, Qué.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Jean-Maurice Simard	Edmundston	Edmundston, N.B.
Michel Cogger	Lauzon	Knowlton, Qué.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Golfe	Ste-Foy, Qué.
Gérald-A. Beaudoin	Rigaud	Hull, Qué.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	New Brunswick	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
Mabel Margaret DeWare	New Brunswick	Moncton, N.B.
John Lynch-Staunton	Grandville	Georgeville, Qué.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Normand Grimard	Québec	Noranda, Qué.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Thérèse Lavoie-Roux	Québec	Montréal, Qué.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis Johnson	Winnipeg-Interlake	Winnipeg, Man.
Eric Arthur Berntson	Saskatchewan	Saskatoon, Sask.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Québec, Qué.
Ronald D. Ghitler	Alberta	Calgary, Alta.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montréal, Qué.
Fernand Roberge	Saurel	Ville St-Laurent, Qué.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
Erminie Joy Cohen	New Brunswick	Saint John, N.B.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montréal, Qué.
Pierre Claude Nolin	De Salaberry	Québec, Qué.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Qué.
Sharon Carstairs	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	New Brunswick	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montréal, Qué.
William H. Rompkey, P.C.	Newfoundland	North West River, Labrador, Nfld.
Lorna Milne	Ontario	Brampton, Ont.
Marie-P. Poulin	Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougement	Ville de Saint-Laurent, Qué.
Nicholas William Taylor	Sturgeon	Bon Accord, Alta.
Eugene Francis Whelan, P.C.	Western Ontario	Ottawa, Ont.
Léonce Mercier	Mille Isles	Saint Élie d'Orford, Qué.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montréal, Qué.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Qué.
Sister Mary Alice (Peggy) Butts	Nova Scotia	Sydney, N.S.
Serge Joyal, P.C.	Kennebec	Montréal, Qué.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Archibald (Archie) Hynd Johnstone	Prince Edward Island	Kensington, P.E.I.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto, Ont.
Francis William Mahovlich	Toronto	Toronto, Ont.
Calvin Woodrow Ruck	Dartmouth	Dartmouth, N.S.
Richard H. Kroft	Winnipeg	Winnipeg, Man.
Marian Maloney	Surprise Lake-Thunder Bay	Etobicoke, Ont.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montréal, Qué.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Qué.
Vivienne Poy	Toronto	Toronto, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(April 13, 1999)

Senator	Designation	Post Office Address
THE HONOURABLE		
Adams, Willie	Nunavut	Rankin Inlet, Nunavut
Andreychuk, A. Raynell	Regina	Regina, Sask.
Angus, W. David	Alma	Montréal, Qué.
Atkins, Norman K.	Markham	Toronto, Ont.
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.
Bacon, Lise	De la Durantaye	Laval, Qué.
Balfour, Reginald James	Regina	Regina, Sask.
Beaudoin, Gérard-A.	Rigaud	Hull, Qué.
Berntson, Eric Arthur	Saskatchewan	Saskatoon, Sask.
Bolduc, Roch	Golfe	Ste-Foy, Qué.
Bryden, John G.	New Brunswick	Bayfield, N.B.
Buchanan, John, P.C.	Nova Scotia	Halifax, N.S.
Butts, Sister Mary Alice (Peggy)	Nova Scotia	Sydney, N.S.
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.
Carstairs, Sharon	Manitoba	Victoria Beach, Man.
Chalifoux, Thelma J.	Alberta	Morinville, Alta.
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.
Cogger, Michel	Lauzon	Knowlton, Qué.
Cohen, Erminie Joy	New Brunswick	Saint John, N.B.
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.
Cook, Joan	Newfoundland	St. John's, Nfld.
Cools, Anne C.	Toronto Centre	Toronto, Ont.
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.
De Bané, Pierre, P.C.	De la Vallière	Montréal, Qué.
DeWare, Mabel Margaret	New Brunswick	Moncton, N.B.
Di Nino, Consiglio	Ontario	Downsview, Ont.
Dood, C. William	Harbour Main-Bell Island	St. John's, Nfld.
Eyton, J. Trevor	Ontario	Caledon, Ont.
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Qué.
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.
Forrestall, J. Michael	Dartmouth and Eastern Shore	Dartmouth, N.S.
Fraser, Joan Thorne	De Lorimier	Montréal, Qué.
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.
Ghitter, Ronald D.	Alberta	Calgary, Alta.
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Qué.
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.
Grimard, Normand	Québec	Noranda, Qué.
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.
Hays, Daniel Phillip	Calgary	Calgary, Alta.
Hervieux-Payette, Céline, P.C.	Bedford	Montréal, Qué.
Johnson, Janis	Winnipeg-Interlake	Winnipeg, Man.
Johnstone, Archibald (Archie) Hynd	Prince Edward Island	Kensington, P.E.I.
Joyal, Serge, P.C.	Kennebec	Montréal, Qué.
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.
Kelly, William McDonough	Port Severn	Mississauga, Ont.
Kenny, Colin	Rideau	Ottawa, Ont.
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.

Senator	Designation	Post Office Address
THE HONOURABLE		
Kinsella, Noël A.	New Brunswick	Fredericton, N.B.
Kirby, Michael	South Shore	Halifax, N.S.
Kolber, Leo E.	Victoria	Westmount, Qué.
Kroft, Richard H.	Winnipeg	Winnipeg, Man.
Lavoie-Roux, Thérèse	Québec	Montréal, Qué.
Lawson, Edward M.	Vancouver	Vancouver, B.C.
LeBreton, Marjory	Ontario	Manotick, Ont.
Lewis, Philip Derek	St. John's	St. John's, Nfld.
Losier-Cool, Rose-Marie	New Brunswick	Bathurst, N.B.
Lucier, Paul	Yukon	Whitehorse, Yukon
Lynch-Staunton, John	Grandville	Georgetown, Qué.
Maheu, Shirley.	Rougemont	Ville de Saint-Laurent, Qué.
Mahovlich, Francis William	Toronto	Toronto, Ont.
Maloney, Marian	Surprise Lake-Thunder Bay ..	Etobicoke, Ont.
Meighen, Michael Arthur	St. Marys	Toronto, Ont.
Mercier, Léonce	Mille Isles	Saint-Élie d'Orford, Qué.
Milne, Lorna	Ontario	Brampton, Ont.
Molgat, Gildas L. Speaker	Ste-Rose	Winnipeg, Man.
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.
Nolin, Pierre Claude	De Salaberry	Québec, Qué.
Oliver, Donald H.	Nova Scotia	Halifax, N.S.
Pearson, Landon	Ontario	Ottawa, Ontario
Pépin, Lucie	Shawinigan	Montréal, Qué.
Perrault, Raymond J., P.C.	North Shore-Burnaby	North Vancouver, B.C.
Pitfield, Peter Michael, P.C.	Ontario	Ottawa, Ont.
Poulin, Marie-P.	Northern Ontario	Ottawa, Ont.
Poy, Vivienne	Toronto	Toronto, Ont.
Prud'homme, Marcel, P.C.	La Salle	Montréal, Qué.
Rivest, Jean-Claude.	Stadacona	Québec, Qué.
Roberge, Fernand	Saurel	Ville St-Laurent, Qué.
Robertson, Brenda Mary	Riverview	Shediac, N.B.
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Robichaud, Louis-J., P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.
Roche, Douglas James	Edmonton	Edmonton, Alta.
Rompkey, William H., P.C.	Newfoundland	North West River, Labrador
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.
Ruck, Calvin Woodrow	Dartmouth	Dartmouth, N.S.
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler ..	Maple Ridge, B.C.
Simard, Jean-Maurice	Edmundston	Edmundston, N.B.
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.
Spivak, Mira	Manitoba	Winnipeg, Man.
Stewart, John B.	Antigonish-Guysborough	Bayfield, N.S.
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.
Stratton, Terrance R.	Red River	St. Norbert, Man.
Taylor, Nicholas William	Sturgeon	Bon Accord, Alta.
Tkachuk, David	Saskatchewan	Saskatoon, Sask.
Watt, Charlie	Inkerman	Kuujuuaq, Qué.
Whelan, Eugene Francis, P.C.	Western Ontario	Ottawa, Ont.
Wilson, The Very Reverend Dr. Lois M.	Toronto	Toronto, Ont.

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(April 13, 1999)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ontario	Ottawa
4 William McDonough Kelly	Port Severn	Missassauga
5 Jerahmiel S. Grafstein	Metro Toronto	Toronto
6 Anne C. Cools	Toronto Centre	Toronto
7 Colin Kenny	Rideau	Ottawa
8 Norman K. Atkins	Markham	Toronto
9 Consiglio Di Nino	Ontario	Downsview
10 James Francis Kelleher P.C.	Ontario	Sault Ste. Marie
11 John Trevor Eyton	Ontario	Caledon
12 Wilbert Joseph Keon	Ottawa	Ottawa
13 Michael Arthur Meighen	St. Marys	Toronto
14 Marjory LeBreton	Ontario	Manotick
15 Landon Pearson	Ontario	Ottawa
16 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
17 Lorna Milne	Ontario	Brampton
18 Marie-P. Poulin	Northern Ontario	Ottawa
19 Eugene Francis Whelan, P.C.	Western Ontario	Ottawa
20 The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto
21 Francis William Mahovlich	Toronto	Toronto
22 Marian Maloney	Surprise-Lake-Thunder Bay	Etobicoke
23 Vivienne Poy	Toronto	Toronto
24		

SENATORS BY PROVINCE AND TERRITORY

QUÉBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Leo E. Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuuaq
3 Pierre De Bané, P.C.	De la Vallière	Montréal
4 Michel Cogger	Lauzon	Knowlton
5 Roch Bolduc	Golfe	Ste-Foy
6 Gérard-A. Beaudoin	Rigaud	Hull
7 John Lynch-Staunton	Grandville	Georgeville
8 Jean-Claude Rivest	Stadacona	Québec
9 Marcel Prud'homme, P.C.	La Salle	Montréal
10 Fernand Roberge	Saurel	Ville de Saint-Laurent
11 W. David Angus	Alma	Montréal
12 Pierre Claude Nolin	De Salaberry	Québec
13 Lise Bacon	De la Durantaye	Laval
14 Céline Hervieux-Payette, P.C.	Bedford	Montréal
15 Shirley Maheu	Rougemont	Ville de Saint-Laurent
16 Léonce Mercier	Mille Isles	Saint-Élie d'Orford
17 Lucie Pépin	Shawinigan	Montréal
18 Marisa Ferretti Barth	Repentigny	Pierrefonds
19 Serge Joyal, P.C.	Kennebec	Montréal
20 Joan Thorne Fraser	De Lorimier	Montréal, Qué.
21 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Qué.
22		
23		
24		

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 John B. Stewart	Antigonish-Guysborough	Bayfield
3 Michael Kirby	South Shore	Halifax
4 Gerald J. Comeau	Nova Scotia	Church Point
5 Donald H. Oliver	Nova Scotia	Halifax
6 John Buchanan, P.C.	Nova Scotia	Halifax
7 J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
8 Wilfred P. Moore	Stanhope St./Bluenose	Chester
9 Sister Mary Alice (Peggy) Butts	Nova Scotia	Sydney
10 Calvin Woodrow Ruck	Dartmouth	Dartmouth

NEW BRUNSWICK—10

THE HONOURABLE		
1 Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine
2 Eymard Georges Corbin	Grand-Sault	Grand-Sault
3 Brenda Mary Robertson	Riverview	Shediac
4 Jean-Maurice Simard	Edmundston	Edmundston
5 Noël A. Kinsella	New Brunswick	Fredericton
6 Mabel Margaret DeWare	New Brunswick	Moncton
7 Erminie Joy Cohen	New Brunswick	Saint John
8 John G. Bryden	New Brunswick	Bayfield
9 Rose-Marie Losier-Cool	New Brunswick	Bathurst
10 Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Archibald (Archie) Hynd Johnstone	Prince Edward Island	Kensington
4		

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gildas L. Molgat, Speaker	Ste-Rose	Winnipeg
2 Mira Spivak	Manitoba	Winnipeg
3 Janis Johnson	Winnipeg-Interlake	Winnipeg
4 Terrance R. Stratton	Red River	St. Norbert
5 Sharon Carstairs	Manitoba	Victoria Beach
6 Richard H. Kroft	Manitoba	Winnipeg

BRITISH COLUMBIA—6

THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver
3 Jack Austin, P.C.	Vancouver South	Vancouver
4 Pat Carney, P.C.	British Columbia	Vancouver
5 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
6 Ross Fitzpatrick	Okanagan-Similkameen	Kamloops

SASKATCHEWAN—6

THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 Reginald James Balfour	Regina	Regina
3 Eric Arthur Bernison	Saskatchewan	Saskatoon
4 A. Raynell Andreychuk	Regina	Regina
5 Leonard J. Gustafson	Saskatchewan	Macoun
6 David Tkachuk	Saskatchewan	Saskatoon

ALBERTA—6

THE HONOURABLE		
1 Daniel Phillip Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Ronald D. Ghitter	Alberta	Calgary
4 Nicholas William Taylor	Sturgeon	Bon Accord
5 Thelma J. Chalifoux	Alberta	Morinville
6 Douglas James Roche	Edmonton	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Philip Derek Lewis	St. John's	St. John's
2 C. William Doody	Harbour Main-Bell Island	St. John's
3 Ethel Cochrane	Newfoundland	Port-au-Port
4 William H. Rompkey, P.C.	Newfoundland	North West River, Labrador
5 Joan Cook	Newfoundland	St. John's
6		

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1		

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Paul Lucier	Yukon	Whitehorse

DIVISIONAL SENATORS

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Normand Grimard	Québec	Noranda, Qué.
2 Thérèse Lavoie-Roux	Québec	Montréal, Qué.

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of April 13, 1999)

*Ex Officio Member

ABORIGINAL PEOPLES

Chairman:	Honourable Senator Watt	Deputy Chairman:	Honourable Senator Johnson
Honourable Senators:			
Adams,	Cochrane,	Johnson,	Pearson,
Andreychuk,	Gill,	*Lynch-Staunton,	Robertson,
Austin,	Graham,	(or Kinsella)	St. Germain,
Chalifoux,	(or Carstairs)	Mahovlich,	Watt.

Original Members as nominated by the Committee of Selection

Adams, Andreychuk, Austin, Beaudoin, Dood, Forest, *Graham (or Carstairs), Johnson
 *Lynch-Staunton (or Kinsella, acting), Marchand, Pearson, Taylor, Twinn, Watt.

AGRICULTURE AND FORESTRY

Chairman:	Honourable Senator Gustafson	Deputy Chairman:	Honourable Senator Whelan
Honourable Senators:			
Chalifoux,	Gustafson,	Rivest,	Spivak,
Fairbairn,	Hays,	Robichaud,	Stratton,
*Graham,	Hervieux-Payette,	(Saint-Louis-de-Kent)	Taylor,
(or Carstairs)	*Lynch-Staunton,	Rossiter,	Whelan.
	(or Kinsella)		

Original Members as nominated by the Committee of Selection

Bryden, Callbeck, *Graham (or Carstairs), Gustafson, Hays, *Lynch-Staunton (or Kinsella, acting),
 Rivest, Robichaud (Saint-Louis-de-Kent), Rossiter, Sparrow, Spivak, Stratton, Taylor, Whelan.

SUBCOMMITTEE ON BOREAL FOREST
(Agriculture and Forestry)

Chairman:	Honourable Senator Taylor	Deputy Chairman:	Honourable Senator Spivak
Honourable Senators:			
Chalifoux,	*Lynch-Staunton,	Robichaud,	Stratton,
*Graham,	(or Kinsella)	(Saint-Louis-de-Kent)	Taylor.
(or Carstairs)		Spivak,	

BANKING, TRADE AND COMMERCE

Chairman: Honourable Senator Kirby

Deputy Chairman: Honourable Senator Tkachuk

Honourable Senators:

Angus,	Hervieux-Payette,
Austin,	Kelleher,
Callbeck,	Kenny,
*Graham,	Kirby,
(or Carstairs)	

Kolber,	Meighen,
Kroft,	Oliver,
*Lynch-Staunton,	Tkachuk.
(or Kinsella)	

Original Members as nominated by the Committee of Selection

Angus, Austin, Callbeck, *Graham (or Carstairs), Hervieux-Payette, Kelleher, Kirby, Kolber,
*Lynch-Staunton (or Kinsella, acting), Meighen, Oliver, Stanbury, Stewart, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chairman: Honourable Senator Ghitter

Deputy Chairman: Honourable Senator Taylor

Honourable Senators:

Adams,	Ghitter,
Buchanan,	Gustafson,
Cochrane,	*Graham,
Fitzpatrick,	(or Carstairs)

Hays,	Lynch-Staunton,
Kenny,	(or Kinsella)
Kroft,	Spivak,
	Taylor.

Original Members as nominated by the Committee of Selection

Buchanan, Butts, Cochrane, Ghitter, *Graham (or Carstairs), Gustafson, Hays, Kirby,
*Lynch-Staunton (or Kinsella, acting), Spivak, Stanbury, Rompkey, Taylor, Watt.

FISHERIES

Chairman: Honourable Senator Comeau

Deputy Chairman: Honourable Senator Perrault

Honourable Senators:

Adams,	*Graham,
Butts,	(or Carstairs)
Comeau,	*Lynch-Staunton,
Cook,	(or Kinsella)
	Mahovlich,

Meighen,	Robichaud,
Perrault,	(Saint-Louis-de-Kent)
Robertson,	Stewart.

Original Members as nominated by the Committee of Selection

Adams, Butts, Carney, Comeau, *Graham (or Carstairs), Jessiman, Losier-Cool,
*Lynch-Staunton (or Kinsella, acting), Meighen, Perrault, Petten,
Robichaud (Saint-Louis-de-Kent), Rossiter, Stewart.

FOREIGN AFFAIRS

Chairman: Honourable Senator Stewart

Honourable Senators:

Andreychuk,	De Bané,
Bolduc,	Di Nino,
Carney,	Grafstein,
Corbin,	

Deputy Chairman: Honourable Senator Andreychuk

*Graham, (or Carstairs)	Robichaud (Saint-Louis-de-Kent)
*Lynch-Staunton, (or Kinsella)	Stewart,
	Stollery,
	Whelan.

Original Members as nominated by the Committee of Selection

*Andreychuk, Bacon, Bolduc, Carney, Corbin, De Bané, Doody, Grafstein, *Graham (or Carstairs),
Lynch-Staunton (or Kinsella, acting), MacDonald, Stewart, Stollery, Whelan.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chairman: Honourable Senator Rompkey

Honourable Senators:

Bryden,	*Graham, (or Carstairs)
De Bané,	Kinsella,
DeWare,	LeBreton,
Di Nino,	*Lynch-Staunton, (or Kinsella)
Forrestall,	

Deputy Chairman: Honourable Senator Nolin

Maheu,	Robichaud, (Saint-Louis-de-Kent)
Milne,	Rompkey,
Nolin,	Stollery,
Poulin,	Taylor.

Original Members as nominated by the Committee of Selection

*Atkins, Callbeck, De Bané, DeWare, Di Nino, *Graham (or Carstairs), Kinsella,
LeBreton, *Lynch-Staunton (or Kinsella, acting), Maheu, Nolin, Poulin,
Robichaud (Saint-Louis-de-Kent), Rompkey, Stollery, Taylor, Wood.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chairman: Honourable Senator Milne

Honourable Senators:

Andreychuk,	Eyton,
Beaudoin,	Fraser,
Bryden,	Grafstein,
Buchanan,	*Graham, (or Carstairs),

Acting Deputy Chairman: Honourable Senator Nolin

Joyal,	Moore,
*Lynch-Staunton, (or Kinsella)	Nolin,
Milne,	Pearson.

Original Members as nominated by the Committee of Selection

*Beaudoin, Cogger, Doyle, Gigantès, *Graham (or Carstairs), Jessiman, Lewis, Losier-Cool,
Lynch-Staunton (or Kinsella, acting), Milne, Moore, Nolin, Pearson, Watt.

LIBRARY OF PARLIAMENT (Joint)

Chairman:**Honourable Senator Corbin**

Honourable Senators:

Bolduc,

Grimard,

Poy,

Robichaud,

Corbin,

Kroft,

Deputy Chairman:

(L'Acadie-Acadia).

*Original Members agreed to by Motion of the Senate**Bolduc, Corbin, DeWare, Doyle, Gigantès, Grafstein, Robichaud (L'Acadie-Acadia).*

NATIONAL FINANCE

Chairman:**Honourable Senator Stratton**

Honourable Senators:

Bolduc,

Ferretti Barth,

Johnstone,

Mahovlich,

Cook,

Fraser,

Lavoie-Roux,

Moore,

Cools,

*Graham,

*Lynch-Staunton,

St. Germain,

Eyton,

(or Carstairs)

(or Kinsella)

Stratton.

*Original Members as nominated by the Committee of Selection**Bolduc, Cools, Eyton, Ferretti Barth, Forest, *Graham (or Carstairs), Lavoie-Roux,***Lynch-Staunton (or Kinsella, acting), Mercier, Moore, Poulin, St. Germain, Sparrow, Stratton.*SUBCOMMITTEE ON CANADA'S EMERGENCY AND DISASTER PREPAREDNESS
(National Finance)**Chairman:****Honourable Senator Stratton**

Honourable Senators:

Bolduc,

Ferretti Barth,

*Graham,

*Lynch-Staunton,

Cook,

Fraser,

(or Carstairs)

(or Kinsella)

Stratton.

OFFICIAL LANGUAGES (Joint)**Chairman: Honourable Senator Losier-Cool**

Honourable Senators:

Beaudoin,

Fraser,

Gauthier,

Kinsella,

Losier-Cool,

Rivest,

Deputy Chairman:Robichaud,
(L'Acadie-Acadia).***Original Members agreed to by Motion of the Senate****Beaudoin, Gauthier, Kinsella, Losier-Cool, Pépin, Rivest, Robichaud (L'Acadie-Acadia)
Robichaud (Saint-Louis-de-Kent), Simard.***PRIVILEGES, STANDING RULES AND ORDERS****Chairman: Honourable Senator Maheu**

Honourable Senators:

Atkins,

Bacon,

Beaudoin,

Cook,

Cools,

DeWare,

Grafstein,

*Graham,
(or Carstairs)

Joyal,

Deputy Chairman: Honourable Senator Robertson

Kelly,

Kenny,

*Lynch-Staunton,
(or Kinsella)

Maheu,

Rossiter,

Sparrow,

Stollery.

Original Members as nominated by the Committee of Selection*Bosa, Corbin, Doyle, Grafstein, *Graham (or Carstairs), Grimard, Kelly, Lewis,
*Lynch-Staunton (or Kinsella, acting), Maheu, Marchand,
Milne, Pearson, Petten, Robertson, Rossiter.***SCRUTINY OF REGULATIONS (Joint)****Chairman: Honourable Senator Hervieux-Payette**

Honourable Senators:

Grimard,

Hervieux-Payette,

Deputy Chairman:

Kelly,

Moore.

Original Members as nominated by the Committee of Selection*Cogger, Ferretti Barth, Grimard, Hervieux-Payette, Kelly, Lewis, Mercier, Moore.*

SELECTION

Chairman:	Honourable Senator		Deputy Chairman:
Honourable Senators:			
Atkins,	Grafstein,	*Lynch-Staunton,	Pépin,
DeWare,	*Graham,	(or Kinsella)	Robichaud,
Fairbairn,	(or Carstairs)	Mercier,	(L'Acadie-Acadia).
	Kinsella,		

Original Members agreed to by Motion of the Senate

*Atkins, Corbin, DeWare, Fairbairn, *Graham (or Carstairs), Hébert, Kinsella,
Lynch-Staunton (or Kinsella, acting) Lewis, Phillips, Stanbury.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chairman:	Honourable Senator Murray	Deputy Chairman:	Honourable Senator Butts
Honourable Senators:			
Butts,	Gill,	Lavoie-Roux,	Maloney,
Cohen,	*Graham,	LeBreton,	Murray,
Cools,	(or Carstairs)	*Lynch-Staunton,	Ruck.
Ferretti Barth,	Johnstone,	(or Kinsella)	

Original Members as nominated by the Committee of Selection

*Bonnell, Bosa, Cohen, Cools, Forest, *Graham (or Carstairs), Haidasz, Lavoie-Roux, LeBreton,
Lynch-Staunton (or Kinsella, acting), Maheu, Murray, Pépin, Phillips.

SUBCOMMITTEE ON VETERANS AFFAIRS
(Social Affairs, Science and Technology)

Chairman:	Honourable Senator	Deputy Chairman:	Honourable Senator Johnstone
Honourable Senators:			
Cohen,	*Graham,	*Lynch-Staunton,	Ruck.
Cools,	(or Carstairs)	(or Kinsella)	
	Johnstone,		

TRANSPORT AND COMMUNICATIONS**Chairman: Honourable Senator Bacon**

Honourable Senators:

Adams,

Bacon,

Buchanan,

Bryden,

Fitzpatrick,

Forrestall,

*Graham,
(or Carstairs)

Joyal,

Johnson.

Deputy Chairman: Honourable Senator Forrestall*Lynch-Staunton,
(or Kinsella)

Maheu,

Perrault,

Poulin,

Roberge,

Spivak.

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Honourable Senators:

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Maheu,

Poulin,

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(or Carstairs)

Johnstone,

Deputy Chairman: Honourable Senator Adams*Lynch-Staunton,
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Maloney,

Perrault,

Roberge,

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CONTENTS

Tuesday, April 13, 1999

	PAGE		PAGE
The Late Honourable Paul David		QUESTION PERIOD	
Tributes, Senator Lynch-Staunton	2996	Foreign Affairs	
Business of the Senate		Effects of Events in Former Yugoslavia—Criteria for Canadian	
The Hon. the Speaker	2996	Military Intervention Outside of NATO Involvement—	
Visitors in the Gallery		Government Position, Senator Kinsella	3002
The Hon. the Speaker	2996	Senator Graham	3002
The Late Honourable Paul David		United Nations	
Tributes, Senator Lynch-Staunton	2996	Effects of Events in Former Yugoslavia—Possibility of Proposal	
Senator Bacon	2997	of Resolution to Security Council—Government Position.	
Senator Beaudoin	2997	Senator Kinsella	3003
Senator Lavoie-Roux	2997	Senator Graham	3003
Senator Keon	2998	Foreign Affairs	
Senator Mercier	2998	Diplomatic Efforts Surrounding Events in Former Yugoslavia—	
		Request for Information, Senator Andreychuk	3003
SENATORS' STATEMENTS		Senator Graham	3003
Yugoslavia		National Defence	
Kosovo—Problems of War, Senator Taylor	2999	NATO Forces in Former Yugoslavia—Deployment of Ground	
Commemoration of the Holocaust		Troops to Alleviate Plight of Kosovar Refugees—	
Senator Grafstein	3000	Government Position, Senator St. Germain	3003
International Policy Conference on Children and Tobacco		Senator Graham	3004
Senator Kenny	3001	United Nations Air Strikes by NATO Forces in Former Yugoslavia—	
Human Rights		Possible Solution to Conflict—Statement by Secretary General—	
United Kingdom Report on Racism of Police Officers.		Government Position, Senator Roche	3004
Senator Oliver	3001	Senator Graham	3004
ROUTINE PROCEEDINGS		Foreign Affairs	
Adjournment		Air Strikes by NATO Forces in Former Yugoslavia—Immediate	
Senator Carstairs	3002	and Long-Term Goals Behind Bombing Campaign—	
Transportation Safety		Government Position, Senator ForreSTALL	3005
Notice of Motion to Authorize Special Committee to Extend Date		Senator Graham	3005
of Final Report, Senator ForreSTALL	3002	NATO Forces in Former Yugoslavia—Plight of Kosovars.	
Private Bill (Bill S-18)		Senator St. Germain	3005
Alliance of Manufacturers & Exporters Canada—Notice of		Senator Graham	3006
Motion to Reinstate to Order Paper, Senator Kelleher	3002	Industry	
Health Care in Canada		Resolution of Interprovincial Dispute involving Construction	
Notice of Inquiry, Senator Keon	3002	Industry—Absence of Dispute Settlement Mechanism in	
North Atlantic Treaty Organization		Agreement on Internal Trade—Government Position.	
Involvement in Yugoslavia—Relationship to International		Senator Kelleher	3006
Law—Notice of Inquiry, Senator Grafstein	3002	Senator Graham	3006
		Answers to Order Paper Questions TableD	
		National Defence—Land Forces Command Budget Shortfall.	
		Senator Carstairs	3007
		National Defence—Land Forces Command Budget Shortfall—	
		Plans for Further Personnel Reductions, Senator Carstairs ...	3007

ORDERS OF THE DAY**First Nations Land Management Bill (Bill C-49)**

Second Reading, Senator St. Germain	3007
Senator Kinsella	3009
Senator Whelan	3010
Referred to Committee	3011

Preclearance Bill (Bill S-22)

Report of Committee—Debate Adjourned, Senator Stewart	3011
Senator Andreychuk	3011
Senator Grimard	3014

Canada Elections Act (Bill S-27)

Bill to Amend—Second Reading—Debate Adjourned.	
Senator Lynch-Staunton	3014

Merchant Navy War Service Recognition Bill (Bill S-19)

Second Reading—Order Stands, Senator Kinsella	3015
Senator Carstairs	3015

Review of Nuclear Weapons Policies

Motion Adopted, Senator Roche	3015
Senator Kinsella	3015

Business of the Senate

Senator Graham	3016
Senator Kinsella	3016

The Budget 1999

Statement of Minister of Finance—Inquiry—Debate Continued.	
Senator Graham	3016
Senator Kinsella	3017

Income Tax Act

Increase in Foreign Property Component of Deferred Income Plans— Motion Proposing an Amendment—Debate Continued.	
Senator Kinsella	3019

Appendix



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CANADA

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(HANSARD)

Wednesday, April 14, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



CONTENTS

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THE SENATE

Wednesday, April 14, 1999

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw to your attention a distinguished visitor in our gallery. It is Dr. Euclide Herie, President and CEO of the Canadian Institute for the Blind, and President of the World Blind Union, who is here as the guest of the Honourable Senator Fairbairn.

I am sure my colleagues will excuse me if I remind them that Dr. Herie is a Manitoba citizen in the first instance, now a resident of Toronto.

SENATORS' STATEMENTS

POVERTY IN CANADA

Hon. Erminie J. Cohen: Honourable senators, today Statistics Canada released the Report on Family Incomes for 1997, which I should like to bring to your attention. While the number of persons living below the low-income cut-off has improved very slightly, it certainly does not warrant a belief that declining poverty numbers will now be the trend. In fact, given that we are six years past the last recession, average family earnings continue to be a disappointment. When compared to 1989, which is the last year of growth before the recession in the early 1990s, it is obvious that family income has not recovered at the same rate as the economy as a whole. Average family income is considerably lower now than it was in 1989, and rates of poverty, especially for children, are significantly higher.

The most disturbing part of the release was the heading "Young Families at Greatest Risk for Low Income." Young Canadian families, those with a main breadwinner under the age of 25, have an outrageous poverty level of 42.8 per cent. This is three times the average poverty rate for Canadian families, and it is completely unacceptable.

In the press release accompanying their new report, "Preschool Children: Promises to Keep," the National Council of Welfare declared that supporting families will take efforts in many areas, such as an increase in the minimum wage, increasing welfare rates, the creation of wage supplements to parents in the workforce, stronger pay-equity laws, and increases in maternity and parental leave. However, through months of research they have discovered that the single most essential social policy for families is child care, something which, though long promised, is

so sorely missing from our tool-box. As stated by John Murphy, Chair of the National Council of Welfare:

There is no single solution to ending child poverty, but it is in everyone's interest to make sure we find the resources and creative solutions to give children the best start in life.

Honourable senators, I could not agree more. I encourage you to read the council's latest report, which will arrive in your offices today or tomorrow and has a purple cover, and also to have a look at the latest poverty numbers from Statistics Canada. I think that you, too, will agree that the time has come for the government to develop a comprehensive family policy which will finally recognize children as our number one priority.

NUNAVUT

INAUGURAL CELEBRATIONS FOR NEW TERRITORY

Hon. Willie Adams: Honourable senators, on March 30, I travelled up to Nunavut and joined many people to celebrate the creation of Nunavut on April 1. The Governor General and the Prime Minister of Canada were there, along with the Minister of Indian Affairs and Northern Development, the Minister of Justice, and four senators: Senators Watt, Milne, Kroft and myself.

• (1340)

April 1 was a big, historic day for Nunavut. It was a first-class event. There have been fears recently that our youth were leaving their culture behind, but from the performances we witnessed that day, this is not the case. The elders can take pride in seeing their endeavours come to pass. The children are the beneficiaries of their knowledge of the customs.

April 1 was an emotional day for the people of Nunavut, both young and old. The first discussions began almost 30 years ago. There was some opposition at the beginning to the signing of this agreement, but five years ago Prime Minister Brian Mulroney signed the Nunavut Land Claims Agreement in Iqaluit.

Today, there is a newly formed Nunavut government of 19 elected members. We are looking forward to a better future for Nunavut and the people of Nunavut as we, the Inuit of Nunavut, are now in control of our lives.

I have some photographs here showing the first meeting of the Inuit Tapirisat of Canada here in Ottawa in 1972 at the beginning of the land claims negotiation with the Government of Canada. Some of these people were also present on April 1, 1999. I cannot name all of the folks in this picture; some are now dead. The Minister of Indian and Northern Affairs on that day is our present Prime Minister, Jean Chrétien. That was the beginning.

The process of the land claims began earlier than 1970 with the opening of a head office which had been set up in Edmonton. After several years, it was decided by the ITC that they should be closer to the politicians here in Ottawa, to the Department of Indian and Northern Affairs and to the Government of Canada offices. Therefore, the ITC office was moved to Ottawa in 1972. That was almost 30 years ago, and now the matter is settled.

Since 1971 until today, we have looked forward to a time when our own elected members would be carrying out their new responsibilities. Of the 19 ridings, the majority of incumbents are Inuit, many of them with experience from other levels of government. Our new premier is a young man and a lawyer. It is our hope that more of our young people will get themselves better educations as they see their future within Nunavut.

In the past, students were required to travel south to large cities for their schooling. This is not the case now. In many communities, students can finish their secondary education and post-secondary education at Arctic College, which has campuses established in communities throughout Nunavut. Some students will still travel south but mainly to attend specialized courses. We look forward to the future with great hope.

I was appointed to the Senate 22 years ago, on April 5, 1977. There were three other appointees that day, but I am the only one left. Senator Frith, Senator Olson and Senator Bosa walked in here with me on that day.

About five years after my appointment, I was in London, England one summer, promoting Inuit carving. I had my picture taken there with a dog team in the middle of the street in front of Harrod's. The poor huskies were sitting there sweating in the 80 degree heat. I have gathered many great memories since coming to this place and now I have another with the creation of Nunavut.

I am proud of this new beginning for Nunavut, which is now just over two weeks old. The celebrations were televised, I hear, in quite a few other countries. People were watching in France and in other countries in Europe and all over the world.

We still have quite a bit of work to do. We have a population of only 25,000 people living on 2 million square kilometers of land. That is a big area to govern. It will not be easy to visit the remote communities. Some can only be reached by airplane. However, now we are a true part of Canada, and not just part of another territory. Our future lies in our children and we have given them a wonderful legacy.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I want Senator Adams to know that I was not in Canada during the celebrations of Nunavut's creation. By a strange coincidence, I turned on CNN in Mexico. The only piece of Canadian news that day was that Nunavut had become a territory in Canada, and that great celebrations were going on in Iqaluit to celebrate the establishment of this new territory. I thought Senator Adams would like to know that.

I would also like the Senate to know that Manitoba's history was tied in to that particular celebration. Through the generosity of the Speaker of the Senate, a chair which was once the Speaker's chair in the Manitoba legislature has been presented to

the new legislative assembly in Nunavut. A number of senators helped in this endeavour, I understand. The family of Senator Kroft made some contribution as did Senator Watt. That chair, which used to reside in what I think is the most beautiful legislative building in all of Canada, is now residing in its newest legislative building.

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO RECEIVE BRIEFING ON CANADIAN BROADCASTING
CORPORATION STRATEGIC PLAN

Hon. Lise Bacon: Honourable senators, I give notice that on Thursday, April 15, 1999 I will move:

That the Standing Senate Committee on Transport and Communications be authorized to hear the Canadian Broadcasting Corporation in order to receive a briefing on their Strategic Plan.

[English]

• (1350)

QUESTION PERIOD

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA—DEPLOYMENT OF
GROUND TROOPS—PROPER ADVANCED TRAINING—
GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, my question is directed to the Leader of the Government in the Senate.

I should like to remind him of the Somalia commission inquiry and its call for a vigilant Parliament. The Somalia inquiry reports, as many will recall, cautioned about sending troops abroad that were not properly trained for their designated mission. Can the minister assure this chamber that before Canadian ground forces are deployed to the Balkans, they will be properly trained and equipped for their designated mission?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the answer is very much in the affirmative. As my honourable friend would know, Canada has a long, distinguished history and record of peace-keeping in various areas around the world. That is exactly what the present mission involves, if the conditions as laid down and enunciated by NATO and supported by the Secretary General of the United Nations are met by Mr. Milosevic.

However, there have been references in the media and elsewhere to the possible deployment of troops for an escalation of activities in that particular area. I wish to assure my honourable friend that, at the present time, the only preparations being made are related to peace-keeping. In any event, I wish to assure Senator Forrestall that we will rely very much on the expertise of and decisions made by the Chief of the Defence Staff and his officials to ensure that our troops are always at the ready, for whatever mission they are asked to undertake.

NATO FORCES IN FORMER YUGOSLAVIA—
DEPLOYMENT OF GROUND TROOPS—UNIT TO BE ASSIGNED—
GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, I ask the next question because it is important that we pay some respect to the process in which we are involved.

I am informed — and I have no reason to doubt it at all — that the 3rd Battalion Princess Pats Canadian Light Infantry, our ACE and primary UN standby unit, has been training for months specifically for action in the Balkans, including at least one trip to the United States for training. That training is not for peace-keeping; it is for war. In the United States, you are trained how to kill people and protect your own life.

Can the minister confirm that the 3rd Battalion Princess Pats Canadian Light Infantry is the unit being considered for Kosovo missions?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I could not — nor would it be in the interests of the public at the present time — either confirm or deny whether the Princess Pats are being considered for the Kosovo mission. I should like, however, to pay tribute to the excellence with which they perform their duties.

Honourable senators, it is implicit — and, Senator Forrestall would know this — that when you join the Armed Forces, you are joining for any eventuality. In that training process, you train for any eventuality.

Senator Forrestall: Honourable senators, I have one final supplementary question.

I thank the minister for his response, although he was less than candid. I do not particularly appreciate it and I do not think that it serves the process well.

Yesterday, the minister stated in response to a supplementary question from one of my colleagues about Kosovo:

Honourable senators, I am aware that Canada has an infantry battle group that I understand is being made ready in the event that they would be called upon for peacekeeping measures.

Whether or not we identify it by name, we know that we only have one unit. I do not know why we play these games. Is this the same unit that was referred to in the other place and about which there was a vehement denial when numbers were

mentioned, namely, approximately 2,000? These are the numbers we are talking about, not 800. We are talking about 2,000 troops. Is it the same unit?

Senator Graham: Honourable senators, the numbers that I have heard range from 500 to 800. I have never heard the number 2,000 mentioned. As a matter of fact, I am on the record in that Senate, in answer to similar questions in the past, as saying that there could be upwards of 800 members of our Armed Forces who might be engaged in that particular peace-keeping exercise.

UNITED NATIONS

NATO FORCES IN FORMER YUGOSLAVIA—INVOLVEMENT OF
SECRETARY GENERAL IN RESOLUTION OF CONFLICT

Hon. Douglas Roche: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

Yesterday, the spokesperson for the Secretary General of the United Nations said that the Secretary General intends to preserve his availability as a neutral actor, should member states decide he could play a role in this world crisis.

Yesterday, as well, the Leader of the Government said that the Secretary General has the continuing unequivocal support of Canada. Can we put those two statements together and ask the Leader of the Government: Will the Government of Canada take the offer of the Secretary General and press the United States and Russia to take a new look at how the Secretary General might personally contribute to the resolution of this world crisis?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I think that the world, including Canada, would watch with great interest and support any initiative taken by the Secretary General.

Yesterday, in responding to a question asked by the Honourable Senator Roche, I outlined some of the commitments that the Secretary General was asking Mr. Milosevic to adhere to and undertake. Upon adherence to those conditions, the Secretary General would then ask the NATO alliance to suspend bombing.

It is my understanding that the Secretary General is making himself available in that particular part of the world at the present time. Whatever initiatives he can undertake would be most welcome and supported by Canada.

Senator Roche: Honourable senators, it is not a question of supporting the Secretary General; it is, rather, a question of our encouraging him and trying to open a door that he is quite desperately seeking to have opened on his behalf.

NORTH ATLANTIC TREATY ORGANIZATION

REVIEW OF NUCLEAR WEAPONS POLICIES AT FORTHCOMING
SUMMIT MEETING—EFFECT OF SENATE MOTION

Hon. Douglas Roche: Honourable senators, I wish to ask a related question concerning NATO's forthcoming summit and how it might relate to this issue.

Yesterday, the Senate adopted a motion recommending that the Government of Canada urge NATO to begin a review of its nuclear weapons policies at its summit meeting from April 23 to 25.

• (1400)

What happens to a Senate motion, particularly in the case of one as timely as this motion? Will the government leader take it forward and personally present it to the government? How will the Senate know what happens to the motion? Will the government leader undertake to report to the Senate on what has happened with it?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I can report immediately. This morning I received a covering letter along with the statement by the Honourable Senator Roche on the particular resolution passed unanimously by the Senate yesterday. Senator Roche had requested that the resolution be transferred to the appropriate authorities. It has been dispatched directly to the Prime Minister and the Minister of Foreign Affairs with my notation.

JUSTICE

NOVA SCOTIA—EXCLUSION OF FAMILY COURT JUDGE FROM RECENT APPOINTMENTS TO UNIFIED FAMILY COURT— GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It is about an article that was in yesterday's *Globe and Mail* with the headline, "Woman named Quebec's first black judge: Appointment hailed as step towards modern values, modern politics." Juanita Westmoreland Traore, a daughter of a railway porter, who worked her way to the position of a law school dean, became Quebec's first black judge. The news report stated that she was appointed to the Quebec court in the criminal and family divisions. The newspaper also said that Quebec was one of the last jurisdictions in Canada to appoint a female judge, and that Nova Scotia appointed a black judge in 1986. The black judge was Her Honour Judge Corrine Sparks.

Can the Leader of the Government in the Senate explain why Judge Sparks was excluded from the recent appointments by Minister of Justice Anne McLellan of family court judges in the province of Nova Scotia to the Unified Family Court of Nova Scotia?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I do not know that the word "excluded" would be appropriate in this sense. I think that all people who know the work of Justice Sparks would applaud her record in the criminal justice system of Nova Scotia. However, in her wisdom, the Minister of Justice has obviously found people whom she deemed to be qualified to fill those positions, and she has made the appropriate recommendations.

Senator Oliver: Honourable senators, Doctor Esmeralda Thornhill of the James Robinson Johnston Chair on Black Canadian Studies in Nova Scotia, Dalhousie University, said in a news release that was widely circulated: "The news of the non-appointment of Her Honour Judge Corrine Sparks to the new Unified Family Court of Nova Scotia is being met with widespread disbelief and shock throughout the legal and black communities of both Nova Scotia and Canada."

Can the Leader of the Government in the Senate indicate whether there is a plan to elevate her in the next stream of appointments to the Supreme Court?

Senator Graham: Honourable senators, I know Senator Oliver would agree that it would be inappropriate for me to respond to a particular question as to the future plans of the Minister of Justice or her department or, indeed, the Prime Minister, to recommend the elevation of any particular justice in any part of the country.

However, if the implication is that there has been discrimination in this instance, I would reject that outright on behalf of the Minister of Justice. I am confident that anyone who examines the record of the Minister of Justice and of this government will see concrete evidence of personal commitments made to increasing minority group representation on the bench.

[Translation]

FOREIGN AFFAIRS

NATO FORCES IN FORMER YUGOSLAVIA— STRATEGY OF GOVERNMENT IN THE EVENT OF AN ESCALATION IN THE CONFLICT

Hon. Fernand Roberge: Honourable senators, yesterday during Question Period in the other place, the Prime Minister stated that, there being no change in the situation in Kosovo, it was not necessary to hold a new debate and a vote on the sending of Canadian troops in preparation for ground operations by NATO in this region. The Prime Minister was probably not well briefed by his advisors on the new developments in this crisis. I would like to summarize the new and disturbing developments that took place yesterday.

First of all, NATO Supreme Commander General Wesley Clark asked member countries of the Alliance to provide several hundred more aircraft for the air strikes against Yugoslavia. The United States are going to provide 300 additional aircraft to the Alliance, which will bring the total number involved in the conflict from 800 to over 1,100.

The United Kingdom and France have announced the deployment of more soldiers to the Kosovo region. The Prime Minister of the United Kingdom has announced that 1,800 additional troops will be joining the 4,500 already in place in the region, while France will be sending 700 more.

An important meeting was held between U.S. Secretary of State Madeleine Albright and her Russian counterpart, Igor Ivanov, to attempt to reconcile their countries' differing positions on settling the Kosovo crisis. The U.S. President no longer rules out the sending of ground forces.

Finally, the Serbs attacked an Albanian border post and occupied three villages in Northeastern Albania for several hours, obliging over 4,000 Albanians to leave the region. The spokespersons for NATO and the Canadian Armed Forces vigorously reiterated that they were prepared to defend Albania at all cost against Serb attacks.

All these disturbing incidents show the imminence of the deployment of ground troops in the region and seem to indicate that a short-term political settlement of the conflict is out of the question. Could the government leader tell us whether the Prime Minister of Canada is responding as extemporaneously as his Minister of Foreign Affairs and his Minister of National Defence on controlling the escalation of the conflict in the Balkans? Is he really aware of what is going on in the region?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, first I will respond to the assertion made by the honourable senator, that the Prime Minister said there would be no debate in the event that ground troops will be sent into that particular part of the world. The Prime Minister, I believe, said exactly the opposite: My understanding is that if ground troops were to be deployed other than for peace-keeping measures, Parliament would be consulted.

With respect to other possible events, of course, the Chief of the Defence Staff and his officials will have to rely on contingency plans they may be developing.

The honourable senator is absolutely correct: There were incursions across the border into Albania yesterday. My understanding is that those incursions were made by the Serbian army in search of members of the KLA. Apparently, it happened on two or three occasions. I have not heard any news of any incursions of that nature today. However, it is a very serious situation.

Senator Andreychuk asked yesterday whether Russia and Ukraine would be consulted. The Prime Minister has written to President Yeltsin, explaining Canada's views and outlining the conditions of NATO, which Canada supports. I know he has been on the telephone to the President of Ukraine and that he has discussed this matter on several occasions by telephone with President Clinton. He has also been on the phone with the leaders of Spain, Belgium, Greece and the Netherlands, among others.

• (1410)

As honourable senators know, the Minister of Foreign Affairs attended the meeting of foreign ministers in Belgium. There is a meeting of European Community ministers going on as we speak. I understand that Germany is putting forward a proposal

which will be considered by ministers in the European Community today. It is not yet known what action might be taken on that proposal.

I wish to assure all honourable senators that Canada is not only responsive, but assertive and active in maintaining its contacts. Canada continues to monitor the situation and put forward the proposals that have been made by NATO in a very forceful and consistent way.

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA— ESCALATION IN CONFLICT—PARTICIPATION OF PARLIAMENT— GOVERNMENT POSITION

Hon. Fernand Roberge: Honourable senators, is the Leader of the Government confirming to us that if there is an escalation in the conflict the Prime Minister will accept a vote in the other place?

Hon. B. Alasdair Graham (Leader of the Government): I did not say that, honourable senators. I indicated that the Prime Minister, as I understand it, would have further discussions with Parliament in the event of the deployment of troops for measures other than peace-keeping.

Senator Roberge: In the past, honourable senators, votes have been taken on important issues such as the one I mentioned. Is the Prime Minister afraid to advise us that a vote will be taken?

Senator Graham: Honourable senators, I have never seen the Prime Minister afraid of anything. We have just had a very useful debate in the other place. Two initiatives have been taken in this chamber, on which all honourable senators will be able to vote if that is their wish. We have an inquiry by Senator Forrestall, and an inquiry initiated yesterday by Senator Grafstein. On the basis of those inquiries, all honourable senators will be given an opportunity to participate in a full debate with respect to the situation.

There is also a broader reference that has been made to the Standing Senate Committee on Foreign Affairs, which I am sure will be entertained fully by the chairman and the members of the committee. They may very well undertake an early examination of that situation within the broader context of the mandate they have been given.

Honorable Marcel Prud'homme: Honorable senators, when we talk about Parliament being called back, Parliament will discuss, but Parliament may or may not vote. Would it not be more appropriate for every one of us to put pressure on the other place and remind them that Parliament also includes the Senate. I do not think of Parliament as being only the House of Commons. That point is becoming more and more important because we seem to be demonstrating to Canadians almost the irrelevancy of the Senate. No decisions can be made here. The House of Commons, with all due respect, will decide. That is my comment.

Honourable senators, I am of the strong opinion, having voted in a very strange way once on a certain issue of that kind, that if ever land troops are to be deployed there should be a vote. Unfortunately, I doubt that there will be a vote in the Senate, even though the Senate is part of Parliament. Unless we fight for it, the less relevant we become to the institution. It is our duty to stand up and fight for ourselves, to show Canadians what Parliament is all about.

Would the Leader of the Government request from the Prime Minister, who I believe would be very receptive, an opportunity to at least show the views of the Senate if there should be a vote on whether to deploy land troops for other than a peace-keeping operation?

Would the Leader of the Government in the Senate relay to the Prime Minister that it is the wish of many senators here that we make every diplomatic effort to involve Russia in any future discussion pertaining to this issue? I am quite afraid, having witnessed 52 years of the experience of another group of people, that the Kosovars will be known very soon as the "Palestinians of the Balkans," that they will be so widely distributed they will never be in the position to return to their own land.

Would the minister kindly relay the views that I have just expressed?

Senator Graham: I would be pleased to do so, honourable senators.

I will refer to the first statement made by the Honourable Senator Prud'homme when he said that nothing can take place here. The Senate is master of its own house and senators are masters of this chamber. We can take whatever action we wish to take, either collectively, or as individual senators.

I would be pleased to relay the comments of my honourable colleague to the Prime Minister, and others who are responsible.

With regard to the final point on Russia, I wish to acknowledge how sensitive the world obviously is with respect to the position of Russia. This includes Canada. We have established a long-standing friendship with the people of Russia. I recall very well, and I made reference to this on another occasion, when the then minister responsible for agriculture, who later became president, Mr. Gorbachev, came to Canada. At that time, we had a joint meeting of the Foreign Affairs Committees of both houses. I am sure the Honourable Senator Prud'homme attended, as did Senator Stollery.

Senator Prud'homme: I chaired that meeting.

Senator Graham: Senator Prud'homme chaired the committee. Senator Roche indicated that he was present.

I remind honourable senators of the summit that was held in Halifax three or four years ago, when President Yeltsin enjoyed himself probably more than he ever had at any summit. He was welcomed with open arms not only by Nova Scotians but by all

Canadians. There is a very strong, warm and continuing relationship between Canada and Russia. The Prime Minister took great pains to write directly to President Yeltsin last Friday to outline Canada's position and to express the hope that Russia would be a part of any final settlement.

Hon. Gerry St. Germain: Honourable senators, yesterday I asked the Leader of the Government in the Senate a question about a precedent on the deployment of troops into any theatre of action similar to the theatre in which our air force is now involved. Was the minister able to establish whether it is precedent setting to not seek the approval of the House of Commons on such matters?

Has any thought been given to briefing members of Parliament on a regular basis so that we are informed as to what is taking place? I do not mean sensitive material, but at least informative material so we can answer questions in our respective regions when we go back home?

I leave that with the minister.

Senator Graham: With regard to the honourable senator's first point, I am subject to correction since I am still researching and looking for an authoritative answer. My own sense is that the government itself would have the right to pursue the actions it has been taking. However, as I indicated, there has been an undertaking by the Prime Minister that if ground troops were to be deployed, he would come back and have a discussion in Parliament.

With respect to the point raised by Senator Prud'homme, I indicated that we are masters of our own house, and we can take whatever action we wish to take in this chamber.

• (1420)

The question that Senator St. Germain has raised with respect to briefings is an appropriate one. If there is general agreement or a particular interest on the part of honourable senators, perhaps we could arrange for such a briefing next week where senators from all sides might be able to attend.

NATO FORCES IN FORMER YUGOSLAVIA—PARTICIPATION OF PARLIAMENT—ESTABLISHMENT OF STANDING JOINT COMMITTEE—GOVERNMENT POSITION

Hon. Michael A. Meighen: Honourable senators, my question to the Leader of the Government in the Senate relates to the briefing that senator St. Germain just asked about. Two or three years ago, the joint defence committee that I had the honour to serve on, recommended specifically the establishment of a standing joint committee on national defence.

Surely, it is appropriate at this time to reconsider that suggestion in light of the real need to brief senators and to keep those who have a particular interest in defence matters abreast of the growing commitments of Canada in the defence arena around the world.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I thank the Honourable Senator Meighen for his question. The Standing Committee on Privileges, Standing Rules and Orders is presently examining the committee structure in the Senate. It is my understanding that among of the suggestions being entertained is the possibility of a defence committee or a combined defence and foreign affairs committee.

There have been suggestions on other occasions that there be such a joint committee. However, I fail to see the necessity of a joint committee on defence at the present time. However, I do see the value on particular occasions when it would be deemed feasible or necessary to join a committee of defence of the other place with a committee on defence of the Senate. On other occasions in the more recent past, we have joined the Foreign Affairs Committee of this place with that of the other place to hear from foreign diplomats.

For the edification of all honourable senators, I should like to elaborate on one of the points raised in regard to some of the initiatives being taken with respect to the situation in Kosovo.

I most certainly do not wish to lead to an extension of Question Period, but I did allude to a meeting of European Union leaders which is being held in Brussels today. The media, as I understand it, is reporting that the Germans plan to introduce a motion that NATO cease the bombing.

It am sure it is of interest to all honourable senators, particularly those who asked questions earlier, that Germany plans to introduce a motion to the effect that NATO cease the bombing for 24 hours in exchange for a firm Yugoslavian commitment to adhere to the five conditions that NATO has always insisted upon. Perhaps I could just reiterate them.

They are: the immediate halt to the violence against and expulsion of Kosovar-Albanians by Yugoslavia security forces; the complete withdrawal of these forces from Kosovo; the return of refugees and displaced persons to their homes; the deployment of an international military force to ensure the security of the returning population; the resumption of negotiations on the future of Kosovo with an eye to concluding an agreement along the lines of that which was negotiated at Rambouillet. The motion does not represent a change in allied strategy in the sense that credible commitment to all these issues would be required before the air campaigns stopped for 24 hours or any longer period of time.

I wanted to again alert honourable senators to that initiative taken by the German government.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on March 18, 1999 by the Honourable Senator Di Nino regarding religious freedom in Tibet under Chinese occupation; a response to a question raised in the Senate on March 17, 1999 by the Honourable Senator Forrester regarding the application of allocation for Air Force and budgets; a response to a question raised in the Senate on

March 17, 1999, by the Honourable Senator Di Nino regarding the effects of activities of Team Canada on the economies of trading partners; a response to a question raised in the Senate on March 18, 1999, by the Honourable Senator Forrester regarding the accumulation of unpaid bills, shortfall in army budgets; and response to a question raised in the Senate on March 25, 1999, by the Honourable Senator Carney regarding the end of a moratorium affecting certain British Columbia offshore oil and gas reserves.

HUMAN RIGHTS

RELIGIOUS FREEDOM IN TIBET UNDER CHINESE OCCUPATION—GOVERNMENT POSITION

(Response to question raised by Hon. Consiglio Di Nino on March 18, 1999)

The Canada-China Joint Committee on Human Rights is a major component of our human rights dialogue with China, which allows the Canadian government to address its concerns on human rights issues in China. This Committee has met in Canada or China on three occasions, and a fourth meeting is planned in China later this year. At the meetings, frank discussions have taken place on a range of issues, including: civil and political rights, cooperation with UN mechanisms, minority rights, the protection of women and children, the rights of the accused, criminal procedure law, the independence of the judiciary, as well as individual cases where human rights abuses are suspected, including the case of the Panchen Lama, aged nine. We believe that because there are ongoing human rights abuses in China it is important to maintain our dialogue with the Chinese authorities, as it is one of the best means to bring Canadian views to the attention of Chinese officials. The Canada-China human rights dialogue has allowed Canadian officials access to Chinese agencies whose cooperation is essential to improving the human rights practices of China — not only the Chinese Ministry of Foreign Affairs, but also the Ministry of Justice, the Ministry of Public Security and officials responsible for minority regions such as Tibet. This government-to-government dialogue also provides a means by which Canada can familiarize Chinese officials to international standards and approaches to human rights. While this particular committee holds its meetings at the bureaucratic level, Canadian government officials are always available to brief the honourable senators on the content of the discussions which took place.

Parliamentarians have a unique and important role to play in strengthening Canada-Chinese bilateral relations and advancing a very broad range of issues and are encouraged to do so. Canadian MPs have access to members of the National Peoples Congress and officials at high levels. In addition, they have an official forum for the exchange of views at the

parliamentary level, the Canada-China Legislative Association. The CCLA had its first bilateral meeting in November of 1998, and the Canadian delegation visited Beijing, Dalian, and Lanzhou. The first meeting began a process of important exchanges concerning roles and relationships between government, law and the citizens being governed, and provides an important venue for participants to discuss matters of concern with their Chinese counterparts. The Canada-China Legislative Association will be holding its second meeting in October.

NATIONAL DEFENCE

APPLICATION OF ALLOCATION FOR AIR FORCES IN BUDGET— GOVERNMENT POSITION

(Response to question raised by Hon. J. Michael Forrestall on March 17, 1999)

The figures found in the Main Estimates show that the Air Force estimated expenditures increase from \$2.191 billion in 98/99 to \$2.527 billion in 1999/2000, an increase of \$337 million including \$265 million in the Air Force capital program.

These figures represent an initial allocation of funds that is part of the overall long-term resource planning within the Department.

The initial allocation of funds for the capital program takes into consideration both approved and unapproved major capital projects. In the case of the Air Force, it would include, for example, the approved Search and Rescue helicopter project.

The initial funding allocation beyond 1999-2000 cannot be directly attributed on a dollar for dollar basis to specific projects. The increase in Air Force capital expenditures reflects long-term general trends in capital acquisition priorities.

In 1999-2000, funding has been allocated to more than two dozen approved capital equipment projects. Of these, the Search and Rescue helicopter is the largest at \$171 million in 1999-2000.

INTERNATIONAL TRADE

EFFECT OF ACTIVITIES OF TEAM CANADA ON ECONOMIES OF TRADING PARTNERS—COST OF TRIPS TO TAXPAYERS— GOVERNMENT POSITION

(Response to question raised by Hon. Consiglio Di Nino on March 17, 1999)

The attached table is the list of Team Canada Missions along with the expenditures from the International Conferences Allotment (ICA) for each:

Fiscal Year	Countries Visited	ICA Expenditures
1994/95	China	Not costed as a T.C. Mission*
1995/96	India, Pakistan, Indonesia and Malaysia	\$1.416 million
1996/97	Korea, Philippines and Thailand	\$3.037 million
1997/98	Mexico, Brazil, Argentina, Chile	\$4.473 million

* as this first Team Canada was part of a larger Prime Ministerial mission abroad, no separate accounting was provided.

NATIONAL DEFENCE

ACCUMULATION OF UNPAID BILLS—SHORTFALL IN ARMY BUDGET DUE TO EXPENDITURES FOR DISASTER RELIEF— GOVERNMENT POSITION

(Response to question raised by Hon. J. Michael Forrestall on March 18, 1999)

The Federal Budget brought very good news for the Department of National Defence and the Canadian Forces.

The increase in our funding base puts us in a better position to begin addressing some emerging departmental priorities, including capital re-investments.

The Main Estimates provide for an increase of \$184 million for the Land Forces capital expenditures.

The 1999-2000 Land Forces capital expenditures cover more than 30 approved projects, including the Armoured Personnel Carriers replacement project, "Clothe the Soldier" items, and the Tactical Command Control and Communication System project.

NATURAL RESOURCES

END OF MORATORIUM AFFECTING CERTAIN BRITISH COLUMBIA OFFSHORE OIL AND GAS RESERVES— REQUEST FOR BRIEFING DENIED—GOVERNMENT POSITION

(Response to question raised by Hon. Pat Carney on March 25, 1999)

Both the federal and provincial governments imposed a moratorium on oil and gas activities offshore British Columbia in the early 1970s due to concerns about the environment. Thus, any lifting of the moratoria should be coordinated.

The government of Canada has no present intention of lifting its moratorium. Any decision with respect to the federal moratorium would require consultations with all interested parties including the government of British Columbia, Aboriginal, environmental and coastal communities.

The government of Canada has not received any request from the government of British Columbia to lift the moratorium. Thus, this matter is not under active consideration. Should the circumstances change at some future date, the Minister would be pleased to have Natural Resources Canada officials brief the Senator on the subject.

ORDERS OF THE DAY

EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT—POINTS OF ORDER—DEBATE ADJOURNED TO AWAIT SPEAKER'S RULING

Hon. Hon. John G. Bryden moved the third reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence.

Hon. Jeremiah S. Grafstein: Honourable senators, regretfully, I bring to the attention of the Senate my concerns with respect to the passage of Bill C-40 which is, in essence, an extradition bill.

First, I wish to commend the government and the Minister of Justice for bringing forth this measure. I believe it is in many ways a grand improvement over the existing status of law.

Having said that, as senators, our constitutional duty in the Senate is to give such legislation, particularly when it is renovative and reforming, a second, careful and cogent appraisal, and to review carefully not only the legislation, but to afford those people who wish to have a full response to the bill an opportunity to do so and to propose changes that might not have been accepted in the other place. In other words, the Senate's practice and tradition has always been to bring a second, deeper dimension to the deliberations of important legislation of public concern.

The Standing Senate Committee on Legal and Constitutional Affairs, and most of the members of that committee are here today, met five times with roughly eight hours of discussion, according to the chairman's estimate, to consider Bill C-40. We heard testimony from government officials, Amnesty International, members of the Criminal Lawyers' Association and from Dean La Forest of the New Brunswick Law School.

In the final session of the evidence, we heard from the minister and her officials. As a result of the time pressures, I requested of

the minister and her officials that they conduct a point-by-point response to the various issues raised by both Amnesty International, the Criminal Lawyers' Association and Dean La Forest. The department did comply.

I received this point-by-point response as did other members of the committee from the committee chairman the afternoon before she was planning to proceed with clause-by-clause study of the bill. I advised her that I would not have an opportunity to review those responses that afternoon, as I was involved in another committee that was also dealing with clause-by-clause study at the same time. However, I managed to do so quickly that evening. I was confronted the following morning by the clause-by-clause consideration of the bill in committee. At the committee meeting, I requested additional time for witnesses to return, since the department had not satisfactorily answered the many points raised by them.

In addition, I had previously advised the chairman that it was my hope that Mr. Edward Greenspan, one of the outstanding criminal lawyers in Canada, would attend as a witness as well. Regretfully, my concerns were shared by only one other senator on our side, Senator Joyal, and not by members of the committee on both sides. Hence, my abstention from voting on the committee's report.

Honourable senators will recall that there was some controversy surrounding the abstentions. However, I wish to thank the chairman of the committee for noting our abstentions because I felt, notwithstanding the practices and procedures, that our concerns should be brought to the attention of the house because of what I consider to be the importance of this matter.

• (1450)

As I mentioned earlier, I had asked the committee for additional time for at least one outside witness to respond, and for the other witnesses to respond to the ministerial points. It was my hope that Mr. Greenspan, Q.C., one of Canada's outstanding criminal lawyers, would attend. He had been previously contacted at my request by the committee, but due to his unbelievably tight time schedule, accommodation could not be arrived at between Mr. Greenspan and the committee.

Subsequently, following the clause-by-clause meeting immediately after, I sought to contact him. He is a busy lawyer, and I contacted him several days later during spring break. I asked him for his views in writing, with the understanding that that may or may not be placed before the committee, because I had no idea at the time whether the Senate would refer it back to committee. I mentioned, however, that it would certainly be helpful to me in my responsibilities as a senator. He undertook, kindly, to honour my request. I received his memorandum dated April 5 on April 10, just before we returned from our break.

All in all, honourable senators, I have concluded that this matter should have been referred back to the committee for further consideration because of the importance of the bill, most particularly in light of Canada's leadership in the creation of the

International Court of Justice. We have led in the creation of this magnificent new edifice, but have we renovated our own practices domestically to match the high standard we set abroad?

Another intervening event argued in favour of further evidence before the committee — that is, the famous *Pinochet* decision. On the day of the clause-by-clause study, a 50-page House of Lords decision came down. No one on the committee, neither the staff nor the government, had an opportunity to review this decision as to what, if any, implications it might have with respect to the extradition processes in Canada. Again, at the committee, I asked for a delay to at least consider whether that decision may or may not have any implications for this important bill. Again the committee did not see fit to allow for additional time to review the possible implications of that decision.

Before I return to my fundamental concerns, honourable senators, let me read a brief extract from a not-too-long memorandum I received from Mr. Greenspan dated April 5. He writes:

The new Act does nothing to clear up the problem of when and how Charter issues are to be litigated in extradition matters. Leaving aside an application for *habeus corpus*, if a fugitive's Charter rights are infringed by the decision of the Minister of Justice ordering surrender, the only recourse under the Act is arguably to seek judicial review to the Court of Appeal. This is maintained in the new Act. The problem with this is that the mechanism of judicial review by the Court of Appeal is ill-suited to Charter redress, particularly where the fugitive needs to establish an evidentiary basis for the Charter claim. The difficulties with the present structure — which is maintained in the new Act — have been criticized by the Quebec Court of Appeal (see *USA v. Cazzetta*, 108 C.C.C. (3d) 537; majority opinion of Chamberland J.A., as well as dissenting opinion of Fish J.A.) and by McEachern C.J.B.C.: (see *U.S. v. Burns*, 116, C.C.C., (3d) 524, minority opinion.) This point is not addressed by the Criminal Lawyers' Association.

Honourable senators, I am not sure that I agree with Mr. Greenspan. I am not sure that he is right. However, surely the committee should have afforded a leading criminal counsel in Canada the opportunity to appear before the committee for an extra hour or two to hear his views and to see whether we, on both sides, agree with his constitutional position, all in the name of effectiveness over efficiency. Let us get this bill through.

Honourable senators, I was put in this unfortunate position. I tried with my own side and I tried with our leadership — both the chairman and the leadership — to refer this matter back to committee to resolve these issues in an hour, or two or three. I was not able to get the assent of my leadership to do that. I then was called upon to seek official advice to craft amendments, which I will present today, on the two fundamental points of my concern.

The officials that I have called upon to review this matter supported my contention that this is a most complicated bill. I

asked one particular official, who is well known to this body, how long it took to read carefully this legislation, let alone to understand the drafting niceties. The answer was four to eight hours. It took me 12 hours, and I still do not fully comprehend this bill, notwithstanding the eight hours or less that we took to study it in committee.

If this is to be a chamber of careful, sober, second thought, clearly another hour or two or three to resolve reasonable concerns that senators have might be the appropriate way to go. However, such is not the case.

Honourable senators, I am left alone with the task of crafting, as I did in the last 24 hours, my own amendments to deal with my two fundamental concerns with respect to this bill. Let me start by telling honourable senators about one concern. It is not very complicated, but it is quite fundamental.

In this Bill C-40, under clause 5, the minister reserves for herself the discretion to extradite a person to a state that still retains the death penalty. The proposal of the Criminal Lawyers' Association and the proposal of Amnesty International was that the minister should not have that discretion, and that the minister should seek assurances from the requesting state that the death penalty will not be executed before we turn over a fugitive.

In Canada, we fought the battle for the abolition of capital punishment decades ago. Yet we leave in this bill, approved by a committee of this chamber, a provision that allows the minister, if she or he chooses, to return an alleged criminal to a state that may have the death penalty to which that person would be subject.

The argument of the minister — and I will go through it at length — is that if we do not give her the discretion, we will be inundated with fugitives and serial killers, and that Canada will become a haven for criminals. My response is that that is not our concern. If someone in Texas commits a series of killings, finds refuge in Canada and we extradite that person without clear-cut, non-discretionary assurances that that person will not be put to death in the gas chamber, or be subject to a capital punishment process, what is wrong with that? Then it is not our responsibility in Canada; it is the responsibility of the requesting state. Hence, my first amendment.

That is the minister's position. I tried to put it fairly. However, I would refer honourable senators to her testimony. With your consent, honourable senators, I will read her testimony into the record so you will be sure that I am not attempting to distort the minister's view. Here is what she had to say on page 5 of the evidence of the committee from Thursday, March 18, 1999:

You have heard testimony to the effect that Bill C-40 should be amended to eliminate ministerial discretion in the case of extradition to face the possible imposition of the death penalty, requiring Canada to refuse extradition in all such indications unless assurances are provided. I and the government strongly disagree with that suggestion.

Bill C-40 preserves the discretion of the Minister of Justice to decide in each case whether to seek assurances from the requesting state that the death penalty will not be imposed or, if imposed, will not be carried out. The Supreme Court of Canada, in the *Kindler* and *Ng* cases, found such a discretion to be constitutional. This approach has been incorporated in the proposed legislation for very practical and serious reasons. If Canada, by law, is required to seek assurances against the imposition of the death penalty in each and every case, this country would quickly be identified as a haven for those charged with the most serious and heinous crimes — murder being the obvious example — who seek to avoid the rigours of the law in the state where the offence took place.

Let me make it clear that we are talking about individuals alleged to have committed the most horrible crimes. The proximity of the United States, where the death penalty exists in many states —

— I believe, honourable senators, that 26 states have the death penalty —

— makes this a very real and pressing concern by us. By eliminating ministerial discretion and mandating assurances, we would be giving murderers seeking to escape the death penalty a very strong incentive to come to Canada.

• (1440)

We must also remember that if the foreign state refused to give assurances that the death penalty would not be sought, Canada would have no choice but to release that fugitive, accused of the most serious crimes, into our community.

Amnesty International's position is predicated on the foreign state always agreeing to give assurances. This is, to say the least, highly optimistic, and may even be impossible if the death penalty is mandatory for certain behaviour. For these reasons, it is important that the minister's discretion in this area be preserved.

The next issue which should logically be addressed is one of the central components of the proposed legislation —

and I will get into that in a moment.

Honourable senators, I disagree with the minister. I disagree with the government. Who is on my side? I will tell you who is on my side. The Pope is on my side, and the American bishops are on my side.

Let me quote from an article in the *New York Times* on April 3, 1999. The headline reads, "Catholic Bishops Seek End to Death Penalty."

In their first statement in 19 years focusing exclusively on opposing the death penalty, the nation's Roman Catholic bishops issued a call yesterday to "all people of goodwill, and especially Catholics," to work to end capital punishment.

The statement — timed to coincide with Good Friday observances and also calling for compassion for crime victims — reflects a growing concern about capital punishment among the bishops, as well as the continuing impact of Pope John Paul II's denunciation of the death penalty during his pastoral visit to St. Louis in January.

Roger Cardinal Mahony, Archbishop of Los Angeles, said in a telephone interview that the Pope's words helped prompt the statement, written by the bishops' 55-member Administrative Board, which represents the National Conference of Catholic Bishops between the group's twice-yearly meetings.

Honourable senators, the choice for you on this matter is between me, the Catholic bishops and the Pope, or the minister.

MOTIONS IN AMENDMENT

Hon. Jeremiah S. Grafstein: Honourable senators, I should like to deal with the first amendment. It is not a long one.

I move, seconded by Senator Joyal:

That Bill C-40 be not now read a third time but that it be amended in clause 44

(a) by replacing lines 28 and 29 on page 17 with the following:

"circumstances;

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner; or

(c) the request for extradition is made for"; and

(b) by replacing lines 1 to 6 on page 18 with the following:

(2) Notwithstanding paragraph (1)(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances."

We reserve a discretion, but the discretion is based on the fact that there must be clear-cut assurances that the death penalty will not be imposed and, if imposed, will not be executed. That is my first amendment.

I will now turn to the more complex and difficult issues of alleged crimes against humanity. When this matter came before the committee, we were told by Amnesty International, the outstanding association in the world with respect to alleged war criminals and crimes against humanity, that under the Treaty of Rome we, in effect, have agreed to establish guidelines, and

those guidelines essentially — without getting into the complexities of them — provide for a faster track to surrender alleged criminals to the international tribunals. That treaty to establish the new international crimes tribunal has not been ratified, so it is not yet the law of Canada. Although we have signed the treaty, it must be ratified by a given number of states. That is what Amnesty International wanted. That is a provision which certainly appealed to me and to the Criminal Lawyers' Association, as well as to my colleague Senator Joyal. This would affect the international tribunal set up for Rwanda and Yugoslavia.

This is a complicated matter. The minister responded. I will not get into her testimony but honourable senators can find it on page 9 of the evidence, to which I referred earlier. She essentially said that she cannot sanction that process because we would be setting up two systems: one system for international crimes and another for domestic crimes. I say — as does Amnesty International and the Criminal Lawyers' Association — that a two-track system is exactly what we need. Is there not a different level of morality tied into a crime against humanity? Is one murder co-equal to genocide? Yes, but should we not treat them somewhat differently, if possible?

The minister admitted, and every senator in this room will have to agree, that Canada has had a deplorable record on the prosecution of war criminals. I put that to the minister, and she agreed. That is the past. We cannot correct the past; but this legislation is prospective; it is to deal with future war criminals. Having led the way in Rome and in The Hague, why should we not lead the way in terms of having a fast track for alleged international criminals in Canada? We should say to alleged criminals, "This is not the place to come because, if you come here, you will be surrendered as soon as we receive your indictment."

The minister's response is that we defend the Charter. However, the same appeal provisions provide an opportunity for the person so indicted to appeal. Therefore, I do not agree with the minister on that point.

Honourable senators, that is the substance of my second proposition; a two-track system. A two-track system is supported by Amnesty International and by the Criminal Lawyers' Association, but is not supported by the minister and her officials, nor by the members of the committee other than myself and Senator Joyal. The purpose of my second amendment is to set up a faster-track system for alleged crimes against humanity.

A curious thing happened in the course of the last couple of weeks. I decided that I would do a little more homework on this subject. On March 31, I e-mailed Madam Justice Arbour, our prosecutor of war criminals. I also e-mailed Mr. Fenrick, who is involved with the International Criminal Court. I did that after reading this brief statement from the minister. On page 10 of her testimony opposing the suggestion for a two-track system, she said:

Bill C-40 has attracted strong support from the current Chief Prosecutor, Louise Arbour.

She goes on to suggest why.

I will read to you, honourable senators, the e-mail that I received from Louise Arbour and her officials. It is rather cogent. She said:

Your memo of 31 March 1999 regarding Bill C-40 has just reached me in The Hague as I am preparing to depart for Africa. I will not be back in The Hague until 11 or 12 April 1999. I asked Mr. William Fenrick to examine the issue that you raise and to seek the input of other international and criminal lawyers in my Office in order to provide you with any concerns or views that we might have on this matter. I am unclear from your memo as to when you need to hear from us. —

Obviously, that is because I was unclear as to when I would require the information.

If it is before 13 April, I may not be in a position to make a great contribution to our analysis, but I will stay in contact with my Office to be appraised of our position.

Please do not hesitate to follow up this matter with William Fenrick in my absence if necessary.

I did so. I have not received any word from him, but here is what I received on April 8.

• (1450)

This is a short note from Deputy Prosecutor Graham Blewitt of the United Nations office:

Dear Senator Grafstein,

With reference to your memo of 31 March 1999 to Madam Justice Louise Arbour, the Prosecutor, as you are aware, the Prosecutor is absent in Africa at the present time. I have discussed the matters raised in your memo with the Prosecutor and with William Fenrick, a Canadian lawyer who is one of our Senior Legal Advisers. —

Forgive me; Mr. Fenrick was a senior legal advisor. I thought he might have been a judge. I think at one time he acted as a *pro tem* member of one of the tribunals. He is one of Canada's outstanding experts in this field.

It is the view of the Prosecutor and myself that, while we welcome the fact that Canada is enacting Bill C-40 which will enable Canada to fulfil its international obligations respecting cooperation with the international criminal tribunals, it is inappropriate for us to comment on the specific way in which a state decides to meet these obligations.

Thus we have the minister's statement that Madame Louise Arbour has obviously gone through this. I thought it would be useful for me to see if she agreed or disagreed with the specifics of the bill we were considering. Had she disagreed with me, it might have given me serious pause to think about not presenting the second amendment, but we have now heard, in effect, that Madam Louise Arbour, after saying that she would welcome an opportunity to review the legislation, is backing off.

I only give you that by way of an interesting aside because it is difficult to be a one-man law factory in this particular matter.

Honourable senators, I return to my second amendment. I beg your indulgence. It runs several pages but it is all in aid of a fast track:

That Bill C-40 be not now read a third time but that it be amended

(a) by substituting the term "general extradition agreement" for "extradition agreement" wherever it appears;

(b) by substituting the term "specific extradition agreement" for "specific agreement" wherever it appears;

(c) in clause 2, on page 2

(i) by adding after line 5 the following:

" "extradition" means the delivering up of a person to a state under either a general extradition agreement or a specific extradition agreement.";

(ii) by deleting lines 6 to 10;

(iii) by replacing line 11 with the following:

" "extradition partner" means a State";

(iv) by adding after line 15 the following:

" "general extradition agreement" means an agreement that is in force, to which Canada is a party and that contains a provision respecting the extradition of persons, other than a specific extradition agreement.

"general surrender agreement" means an agreement in force to which Canada is a party and that contains a provision respecting surrender to an international tribunal, other than a specific extradition agreement.";

(v) by replacing lines 20 and 21 with the following:

" "specific extradition agreement" means an agreement referred to in section 10 that is in force.

"specific surrender agreement" means an agreement referred to in section 10, as modified by section 77, that is in force.";

(vi) by replacing lines 29 to 31 —

The Hon. the Speaker: Honourable Senator Grafstein, I am sorry to interrupt you, but the interpretation services cannot keep up with the speed of your delivery. Do you by any chance have a French text?

Senator Grafstein: The French text will be available shortly. I am giving it now so that it can be simultaneously provided.

The Hon. the Speaker: The interpreters cannot follow. You will have to slow down, please.

Senator Grafstein: I will slow down. I am prepared to stay here all day but I am sure others are not.

The Hon. the Speaker: On a point of order, Senator Bolduc?

[Translation]

POINTS OF ORDER

Hon. Roch Bolduc: Honourable senators, it is annoying when an motion in amendment is introduced in English without the French at the same time. I acknowledge that the amendment will be translated. I am aware of the fact that we need to have a copy of this motion in amendment in both official languages when it is debated. Otherwise, how are we going to understand?

My second objection is much more serious. Senator Grafstein is a hardworking man and a model in the Senate. There is no doubt about that. What I find difficult is that he was in contact with a woman he may indeed know, but Madam Arbour is a Canadian judge. She was appointed as prosecuting counsel for the International Tribunal, and her appointment was discussed in the Senate. Her role, however, is essentially that of a Canadian judge. She was asked for her opinion on a policy. Do you understand? She was told:

[English]

We are in the process of forming policy. We would like to have your advice on that.

[Translation]

I must say that this bothered me. The fact that she replied may be an indication of a lack of experience. I have enough experience to tell you that this is not acceptable. I think that Senator Grafstein, as we say in English —

[English]

— got carried away by the case. He then asked for all the support he could get from technical people, competent people; there is no doubt about that. However, I have reservations on the practice of asking a judge's advice on a policy formation process. Those are my two objections.

Hon. Jeremiah S. Grafstein: Honourable senators, if I may respond to that, I know it is unusual. I am in violent agreement with Senator Bolduc. I do not think it is appropriate for me, or for any senator, to seek, in effect, judicial advice. However, honourable senators, I was in contact with Madame Arbour because of the evidence presented by the minister in support of her legislation. The minister opened this door.

This is why I was careful to quote this and I will do so again — she stated in her testimony on the last day she gave evidence, at page 10:

C-40 has attracted strong support from the current Prosecutor Louise Arbour.

Now, had the minister not mentioned that, honourable senators, I would not have asked Judge Arbour that question.

At any rate, if in fact I have gone beyond the four corners of appropriate conduct, I apologize. It is not relevant. Quite frankly, it is tangential to my argument. I say only that it is tangential and I withdraw all my comments. I am not meaning here to be critical of Judge Arbour. I do not mean to use inappropriate evidence in this chamber when I am seeking to set up a due process which has to be appropriate. If I have overstepped my bounds, I will withdraw. I agree with the honourable senator.

[Translation]

Senator Bolduc: Honourable senators, I do not question Senator Grafstein's ethics. There is no doubt that he meant well. Nor do I question Madam Arbour's ethics. But I remind you that when she was appointed to the International Tribunal, we had a debate on the issue. We said we had a problem with judges accepting positions as prosecutors or duties other than those of a judge. We just heard that Madam Arbour basically does not agree with the minister's comments. This is very bothersome. There is no doubt that Madam Arbour lacks experience. She got carried away by the issue, she confused the technique with the policy and she said what she had to say. "It's a mistake, a huge mistake."

We often hear witnesses from the Department of Finance. I am always careful not to trip them up on policy issues. One day, we might hear from the minister and the next day from a public servant who is perhaps not up on what the minister said. And we end up putting them in a situation where we are telling them they are contradicting their minister. That is not on. In our parliamentary system, we cannot have public servants — and Madam Justice Arbour as a prosecuting counsel is the equivalent of a public servant — contradicting the minister. I think she should not be saying that. If she did, it is a mistake. In my view, her opinion should not be sought. I consider her comparable to a deputy minister. We must be very careful here. Otherwise, the parliamentary system will fall apart if senior public servants are not in discretionary positions where they can tell the minister in confidence — I have done it hundreds of times — what is not

working. They must tell him with conviction. Then, the minister decides. If the minister goes against your advice, you can stay or move on. In the interests of our process, it is important that this not be referred to. The idea may be good, but I would argue that the process is not.

[English]

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, for purposes of clarification here, I understood that Senator Bolduc rose on a point of order. While I am in full agreement with his comments, I do not think they constitute a point of order.

Perhaps we should return to the debate, and then I would very much like to hear Senator Bolduc participate in the debate because his arguments are clear and cogent. However, we must get back to the amendments being proposed by Senator Grafstein, and then have participation in the debate.

[Translation]

Senator Bolduc: I agree with the Deputy Leader of the Government. There is a fundamental problem with the process. You say that Senator Grafstein should be allowed to present all his arguments for his amendments. That will not work. We cannot do that. I am not a specialist in parliamentary procedure, but I think we must sort this out first before allowing, or not allowing, Senator Grafstein to continue, depending on what the Senate decides.

[English]

• (1500)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on the point of order, I think Senator Bolduc has raised a valid point of order. I think a quick examination of Beauchesne will demonstrate that, in debate in either house — certainly Beauchesne as it applies to the other place — we are chided from making reference to members of the bench. That practice is clear. It is outlined in Beauchesne. From time to time in this past while, we have quite often referred to members of the bench by name. We should take great care in exorcising that practice from this place.

Senator Bolduc has raised a matter which speaks to a question of order, and I think it is for His Honour to decide whether or not it is a valid point of order.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I think that Senators Kinsella and Carstairs have raised an excellent point. If the Speaker decided to take under advisement all that has just been brought to his attention, Senator Grafstein would perhaps agree to suspend his intervention. The Speaker could rule tomorrow.

[English]

During that time, Senator Grafstein will be in an excellent position to prepare the amendment in both languages so that we can follow it. He has raised some interesting points, but I could not follow them in English because he speaks so fast, and it is such a technical and legal matter. Perhaps His Honour would like to take into consideration until tomorrow the point raised by Senator Bolduc and Senator Kinsella, keeping in mind what Senator Carstairs has said.

I do not want to cut Senator Grafstein off from debate, but if he could suspend his argument until tomorrow, then His Honour can render a decision at that time. Senator Grafstein could then continue, or subtract from his presentation, but in the meantime he will have time to give us a good report of his amendment in both languages so that we can follow it. The points that he has raised are extremely important and whether or not we agree is irrelevant. I want to do justice to his arguments. From the speed with which he has been speaking, however, I surmise that he is afraid of the clock, and that he may run out of time and will not be able to continue. Perhaps His Honour could take this matter under advisement until tomorrow so as not to deprive Senator Grafstein of his right to continue. I suggest that we suspend until tomorrow until the Speaker has a ruling.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, Senator Bolduc raised another point, namely, the propriety of presenting an amendment in only one of the two official languages. I do not know what the rule is, but I certainly know what the proper practice should be. I would expect that there should not even be a debate on this point.

Amendments, which are formal suggestions to bills, should be presented at the same time in both languages, and not read into the record with the hope that the translation will suffice. I hope that in his ruling, His Honour the Speaker might also take into consideration that aspect of Senator Bolduc's point of order and rule on it at the same time — that is, unless he can do so right now.

Senator Grafstein: Honourable senators, since I am the subject of both of these comments, I want to comment in reply, briefly.

First, on the question of the French text, I was concerned about that as well. However, the advice that I received was that it would be preferable, because they are so complicated, to have the text in both English and French. The translator has been working on this for some 8 hours. It is to be hoped that the French text will be completed by four o'clock today. It was not my intention in any way, shape or form to abuse the practice and the procedures of this place by presenting material in other than both languages. It was my understanding that if I did not have the French translation available, I could read the English text into the record and it would then become part of the official record in both languages.

I am sensitive not only to the practice but also to the spirit of our rules. I accept the fact that this matter is highly complicated. I began my remarks by saying, "You will forgive me," because it was highly complicated. The only reason for the urgency is that, unless I was prepared to move my amendments this afternoon before four o'clock, this legislation would have been passed and I would not have had an opportunity to present my concerns and amendments on it.

I apologize to senators opposite, and particularly to those whose first language is French. It was not my intention to be insensitive to that fact.

On the other question, Your Honour and Senator Bolduc, I am as sensitive as the honourable senator is to the inappropriate conduct or the inappropriate use of judicial officers. Again, that is why I was so careful to proceed with Madam Justice Arbour not in her capacity as a judge but in her role as an international prosecutor. The minister referred to her as the "chief prosecutor," not as a judge in the transcript.

Senator Prud'homme: Honourable senators, I have a point of order!

Senator Grafstein: Senator Prud'homme, I am just responding to the original point of order, because you have asked for the point of order to be dealt with by His Honour, and thought I would add that to the record.

Senator Prud'homme: Honourable senators, you cannot divorce Madam Justice Arbour from her position. It reminds me of Louis St. Laurent when he spoke about the President of the CBC. He said, "I wrote a letter to Mr. Johnson, in his capacity as and not in his capacity as..." She is Madam Justice Arbour. You cannot disassociate her from that office.

We are getting into deeper and deeper difficulty. I did not raise the question of French-English because, God knows, I am the one who should not raise it. My heart could not go to the end of the debate. I am trying to be reasonable in making an intelligent proposal to Senator Grafstein. In sending him a possibility to go fishing, I hope that he will catch the gentleness of all and suspend his presentation until His Honour gives us his ruling tomorrow. Senator Grafstein can then continue. In addition, we will have time to see his amendments in both official languages.

[Translation]

Hon. Gérald-A. Beaudoin: Honourable senators, the point of order was raised just as Senator Grafstein was explaining his amendments. The point of order applied to the English and French versions of the amendments in a bilingual house and the relations between the judicial and the legislative. The debate of the amendments is suspended *ipso facto*. I leave it to the Speaker's good judgment to decide whether there is a *prima facie* question of privilege. It may well be the case, and I invite His Honour to rule on the point.

[English]

• (1510)

The Hon. the Speaker: Does Senator Kinsella wish to participate?

Senator Kinsella: Honourable senators, perhaps Senator Grafstein could adjourn the debate and continue with it tomorrow. That would give him the little time he needs to have the amendments prepared in both official languages. It would obviate a decision from the Speaker on this matter.

With regard to the first part of the point of order, I think the Speaker might be able to rule now.

Senator Grafstein: Honourable senators, I am certainly prepared to accept Senator Kinsella's suggestion and move the adjournment, if that would facilitate matters.

Senator Prud'homme: It does not solve the problem.

The Hon. the Speaker: It seems to me that that might be the best solution at this time. I could rule now. However, I would prefer to examine our precedents more clearly. According to Beauchesne —

[Translation]

On the first point, that of language, we are not obliged to present amendments in both official languages. Beauchesne has written on this subject that amendments may be presented in one or other language. However, I know that it is our custom to present amendments in both official languages.

[English]

However, if Senator Grafstein is prepared to move the adjournment of the debate, and there is agreement, then that would be appropriate.

On motion of Senator Grafstein, debate adjourned.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, since today is an early-rising day and we have committees sitting, I think there is agreement that all other items should remain where they are on the Order Paper, and that we should now adjourn.

Hon. Marcel Prud'homme: Honourable senators, on this point, I see that Senator Maheu, who tabled the report of the Standing Committee on Privileges, Standing Rules and Orders, and Senator Robertson, who asked for the adjournment in her name, are both here. I am ready and willing. I think I can speak on behalf of my colleague Senator Roche and others when I say that we have been waiting and, perhaps, tomorrow Senators Maheu or Robertson may be absent for other reasons.

We would like to know when, at long last, a decision will be taken on this very important item concerning the role of a

senator. Senator Lynch-Staunton has given me good material for reflection — it is that a senator is a senator. There is no such a thing as an independent.

I see all the interested parties are present today in the Senate. Will they be present tomorrow? If not, I am sure we will reach the month of June with no decision having been taken. There are five senators who happen to sit as independents who are more than willing to participate fully in committees. They are standing by and waiting.

I hope we will come to this question soon. I do not object to the suggestion of Senator Carstairs. However, I would like to ensure that Senator Robertson will kindly participate in the debate so that we can dispose of this question one way or the other.

The Hon. the Speaker: Is it agreed, honourable senators, that all other items stand in the same position on the Order Paper as they are presently today?

Hon. Senators: Agreed.

Hon. James F. Kelleher: Honourable senators, it is moved by myself —

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, might I interrupt what I think Senator Kelleher is attempting to do? He is, I am sure, attempting to move Motion No. 133 which is standing in his name. We on this side certainly have no objection to him doing so. If there is agreement within the chamber, he could move his motion and then we could adjourn.

Senator Prud'homme: Honourable senators, I rise on a point of order. Senator Carstairs moved that the Senate adjourn. I remarked that perhaps Senator Robertson would like to participate in the debate, since that report was the item we had reached on the Order Paper when Senator Carstairs proposed that we adjourn. I am ready, as is Senator Roche and others, to agree to adjourn the debate for one more day. It seems as if we are hijacking the system by having Senator Kelleher's motion taken care of, after which we will adjourn. Any other senator may say, "What about mine? Just mine, please." Either we adjourn until tomorrow, retaining the stage at which we are at today; or, if we proceed with one exception, then we should follow the agenda, the next item being the report tabled by Senator Maheu adjourned in the name of Senator Robertson. Of course, she can say, "Stand," but we shall see.

The Hon. the Speaker: Honourable senators, if the Honourable Senator Kelleher does not agree with the proposal, we will go through the Order Paper. If he is agreeable to giving unanimous consent, then we will proceed to the adjournment.

Is there unanimous consent, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 2 p.m.

CONTENTS

Wednesday, April 14, 1999

	PAGE		PAGE
Visitor in the Gallery		Foreign Affairs	
The Hon. the Speaker	3020	NATO Forces in Former Yugoslavia—Strategy of Government in the Event of an Escalation in the Conflict.	
<hr/>		Senator Roberge	3023
SENATORS' STATEMENTS		Senator Graham	3023
Poverty in Canada		National Defence	
Senator Cohen	3020	NATO Forces in Former Yugoslavia—Escalation in Conflict— Participation of Parliament—Government Position.	
Nunavut		Senator Roberge	3024
Inaugural Celebrations for New Territory. Senator Adams	3020	Senator Graham	3024
Senator Carstairs	3021	Senator Prud'homme	3024
<hr/>		Senator St. Germain	3025
ROUTINE PROCEEDINGS		NATO Forces in Former Yugoslavia—Participation of Parliament—Establishment of Standing Joint Committee— Government Position. Senator Meighen	3025
Transport and Communications		Senator Graham	3026
Notice of Motion to Authorize Committee to Receive Briefing on Canadian Broadcasting Corporation Strategic Plan.		Delayed Answers to Oral Questions	
Senator Bacon	3021	Senator Carstairs	3025
<hr/>		Human Rights	
QUESTION PERIOD		Religious Freedom in Tibet Under Chinese Occupation— Government Position.	
National Defence		Question by Senator Di Nino.	
NATO Forces in Former Yugoslavia—Deployment of Ground Troops—Proper Advanced Training—Government Position.		Senator Carstairs (Delayed Answer)	3026
Senator Forrestall	3021	National Defence	
Senator Graham	3021	Application of Allocation for Air Forces in Budget— Government Position.	
NATO Forces in Former Yugoslavia—Deployment of Ground Troops—Unit to be Assigned—Government Position.		Question by Senator Forrestall.	
Senator Forrestall	3022	Senator Carstairs (Delayed Answer)	3027
Senator Graham	3022	International Trade	
United Nations		Effect of Activities of Team Canada on Economies of Trading Partners—Cost of Trips to Taxpayers—Government Position.	
NATO Forces in Former Yugoslavia—Involvement of Secretary General in Resolution of Conflict.		Question by Senator Di Nino.	
Senator Roche	3022	Senator Carstairs (Delayed Answer)	3027
Senator Graham	3022	National Defence	
North Atlantic Treaty Organization		Accumulation of Unpaid Bills—Shortfall in Army Budget Due to Expenditures for Disaster Relief—Government Position.	
Review of Nuclear Weapons Policies at Forthcoming Summit Meeting—Effect of Senate Motion.		Question by Senator Forrestall.	
Senator Oliver	3022	Senator Carstairs (Delayed Answer)	3027
Senator Graham	3023	Natural Resources	
Justice		End of Moratorium Affecting Certain British Columbia Offshore Oil and Gas Reserves—Request for Briefing Denied— Government Position.	
Nova Scotia—Exclusion of Family Court Judge from Recent Appointments to Unified Family Court—Government Position.		Question by Senator Carney.	
Senator Oliver	3023	Senator Carstairs (Delayed Answer)	3027
Senator Graham	3023		

ORDERS OF THE DAY**Extradition Bill (Bill C-40)**

Third Reading—Motions in Amendment—Points of Order—
Debate Adjourned to Await Speaker's Ruling.

Senator Bryden	3028
Senator Grafstein	3028
Motions in Amendment. Senator Grafstein	3030
Points of Order. Senator Bolduc	3032
Senator Grafstein	3033

Senator Carstairs	3033
Senator Kinsella	3033
Senator Prud'homme	3033
Senator Lynch-Staunton	3033
Senator Beaudoin	3033

Business of the Senate

Senator Carstairs	3033
Senator Prud'homme	3033
Senator Kelleher	3033



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(HANSARD)

Thursday, April 15, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



CONTENTS

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THE SENATE

Thursday, April 15, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to introduce to you a distinguished guest in our gallery. Dr. Fathi Arafat is President of the Palestine Red Crescent Society and President of the Palestinian Academy of Science and Technology. Our distinguished guest, Dr. Arafat, is here as a guest of the Honourable Senator Prud'homme.

On behalf of all honourable senators, I wish you welcome to the Senate, Dr. Arafat.

[Translation]

SENATORS' STATEMENTS

MONTFORT HOSPITAL OF OTTAWA

Hon. Jean-Robert Gauthier: Honourable senators, once again one of the most fundamental rights of the Franco-Ontarian community has been thwarted. For nearly two years now the board of Montfort Hospital has been negotiating with the Ontario Health Services Restructuring Commission.

I use the term "negotiate" although I am fully aware that there was no proactive discussion. Instead, the commission shamefully dragged its feet and allowed a difficult situation for our community to go on. The board of Montfort Hospital took part in the consultation process in good faith, at the commission's request.

The commission's response to the proposals made by Montfort Hospital was brought down a few days before the first appearance, which was slated for January. However, the commission did not formulate a response per se, but called instead for other information to justify the proposal that had already been submitted. Suspicion that the negotiating process was futile was thus confirmed.

Given the slowness of the process, the parties agreed to mandate an independent and neutral third party, so that it could be determined once and for all what the hospital's requirements were for maintaining a teaching program in francophone Ontario.

After numerous consultations with the various stakeholders and with other hospitals offering similar teaching programs, Dr. Jacques Frénette, president of the College of Family Physicians of Canada, reached the conclusion that Montfort's initial demands could not support a teaching program that would

be viable and credible in the long term. Improvements were therefore needed.

Montfort's initial demands were in fact a joint position by the University of Ottawa, the Ottawa Hospital, and Montfort Hospital itself, which had determined that the minimum required was a complete emergency department, intensive care and 72 acute care beds — which included the 22 allocated by the commission last June. Without that minimum, the hospital cannot carry out its teaching mandate adequately.

The Montfort crisis has now reached a decisive phase. Since the commission has asked for a new deadline in order to study new documents, the hospital board has no choice but to stop talking and do something. This week, we turned to the courts.

The essence of the debate is not about pulling the covers onto our side, but rather about ensuring the strict minimum number of institutions vital to the survival of the francophone community in Eastern Ontario.

Education and health are vital to the maintenance and development of a community, and that is the way it is. So the delays incurred by a legal debate make it difficult to recruit new members and to keep current staff. As counsel for the Montfort indicated, the hospital is bleeding to death and being denied a transfusion to keep it alive.

The Ontario Divisional Court considered last Monday that, since the administrative process had not been completed, there was no point in the legal system's getting involved. I think rather that the court sounded a serious warning in giving the commission one last chance to finally produce a solution while requiring it to make no decision on the operation and current staff of the Montfort. Nothing will change so long as the matter is before the courts.

Honourable senators, we are entitled to expect a decision either for or against, but we should at least be allowed to know where we stand.

[English]

PRINCE EDWARD ISLAND

TIGNISH—BICENTENNIAL CELEBRATIONS

Hon. Catherine S. Callbeck: Honourable senators, Prince Edward Island is comprised of many small but very proud and beautiful communities. Of course you are all aware of the capital city of Charlottetown and the significant and historic role that it played in the birth of our magnificent country. As well, many of you are aware that the city of Summerside showed up recently in a number of national surveys which listed the top places in the country in which to live and conduct business.

One particular municipality is celebrating its bicentennial this year. That community is Tignish, located on the far western tip of Prince Edward Island. Over 35 separate committees are working on different events and activities, the highlight of which will be a festival of the founders, to be held over the summer.

The bicentennial is designed to celebrate the arrival of the eight Acadian founding families in 1799 and will chronicle the 200-year history and development of the community.

I am proud of the way in which this Prince Edward Island community mirrors Canada itself in many ways. The coming together of a number of ethnic and cultural backgrounds to form one tightly woven community is truly what makes Tignish — and Canada — great.

In addition to the historic aspects of these celebrations, there is also much tangible working done, much of which will remain as a long-standing legacy of the bicentennial. The community is very much looking forward to an improved infrastructure, community park, historic books and, perhaps most impressive of all, the Tignish Heritage and Cultural Centre, which will benefit the community for years to come.

Promotion for the bicentennial is obviously key. To that end, community organizers are working with the organizers of the upcoming francophone summit in Moncton. A Web page is being created to promote the event as well as a number of more traditional methods of advertising, including regional brochures, promotion, visitors' galleries, and so on.

I want to congratulate and commend the people of Tignish for celebrating this milestone in their history. I hope all Canadians will consider it a prime destination as the community celebrates its heritage, its history and its plans for the future.

[Translation]

INTERNATIONAL ASSEMBLY OF FRENCH-SPEAKING PARLIAMENTARIANS

VISIT BY CANADIAN DELEGATION TO LOUISIANA

Hon. Rose-Marie Losier-Cool: Honourable senators, one of the goals of the Senate is to ensure regional representation across Canada. As a senator representing francophones in a minority situation, and Acadians in particular, I consider this goal of the Senate essential for all Canadians. If we published all the statements by senators on the interests of their region, we would have a fine book on history and civic-mindedness for the people of Canada.

As a member of a delegation of French Speaking Parliamentarians, I carried out this role of regional representative recently during a trip to Louisiana. The visit, organized by the America section of the International Assembly of French-Speaking Parliamentarians, was to meet French-speaking parliamentarians from Louisiana and visit francophone organizations in Lafayette and Baton Rouge. Like any parliamentary delegation meeting, there were discussions on economics, technologies and politics.

However, as an Acadian senator, I was invited to visit the archives of the Baton Rouge Catholic Centre. It was with joy but mostly emotion that I was able to touch the parochial registers that were in the church in Grand Pré, at the time of the Great Dispersal, in 1755. Back then, the parish was called Saint-Charles-aux-Mines. These registers, for the years 1707 to 1748, were moved secretly. They were hidden in pillowcases and carried thousands of miles over the seas. One day, they were found, still wrapped in the pillowcases, in an old church near the bayous. These registers are now locked up at the archives of the Baton Rouge Catholic Centre. I was given special permission to see, touch and read these precious documents, which contain a total of 2,444 entries: 1,414 baptisms, 557 marriages and 272 funerals.

It is with a twinge of sorrow that I read Acadian names such as Robichaux, Comeaux, Bilodeaux, Thibodeaux — with an X — and even a parish priest named Prud'homme, in 1712. He was not an Acadian.

I was accompanied by Nova Scotia's Minister of Education, Culture and Acadian Affairs, Wayne Gaudet. We hope that these registers will eventually make their way back to Grand Pré, in Nova Scotia, because, to quote singer Angèle Arsenault, "Grand Pré is where it all began."

In Louisiana we find Cajuns — a word derived from the English "Acadians", then shortened to "Cadians" before finally becoming "Cajuns." Louisiana's Acadians want to be referred to as "Cadiens" and not "Cajuns," which is the American derivation. The second World Acadian Convention will take place in Lafayette and the surrounding communities this summer, on August 14, 15 and 16.

Over 10,000 Acadians and Cajuns are expected to take part in the cultural and social celebrations, which will include many family gatherings and reunions that will surely reflect the best of Louisiana's "fais-dodo." Honourable senators, as Cajuns in Louisiana say "Let the good times roll."

[English]

VETERANS AFFAIRS

CONTRIBUTIONS OF THE BLACK BATTALION IN WORLD WAR I

Hon. Calvin Woodrow Ruck: Honourable senators, in 1938, under the authority of the Minister of National Defence, Captain A.F. Duguid wrote the official history of the Canadians in the Great War. In his 400-page book, he tersely and erroneously described the experience of black volunteers in four words. He stated: "Black volunteers were refused."

A charitable interpretation would suggest that Captain Duguid's research was badly flawed, since it failed to uncover the 500-plus men who served Canada in the No. 2 Construction Battalion known as Canada's Black Battalion. These men served their country and deserve recognition. However, that recognition was not given until approximately 1982, when the Government of Canada erected a monument to the battalion in the town of Pictou, Nova Scotia.

Each year, on the second Saturday in July, we return to Pictou to further honour these men who served their country despite tremendous odds.

The history with respect to the military in Canada, with respect to the black experience, is still in need of interpretation and requires to be better known. The men who served paid their dues, and we, their descendants, deserve the same share as any other Canadians in this great country that we call Canada.

We will continue to go to Pictou to honour those men. We are also cognizant of the fact that the winds of change have created better conditions. Many of our young men are now in the military forces. We have people who have risen to the rank of lieutenant-colonel. Not too many years ago it was unheard of to have a black commissioned officer. Now we do have commissioned officers.

We love this country. In the event of war, our men and our women will be ready, willing and able to don the uniform and play their part in the defence of this country we call Canada.

QUESTION PERIOD

NORTH ATLANTIC TREATY ORGANIZATION

CONFLICT IN FORMER YUGOSLAVIA—SUPPORT FOR PEACE PROPOSAL BY GERMANY—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for my colleague, the Leader of the Government in the Senate. Is the Government of Canada supporting the resolution that has been brought forward by Germany with respect to the Kosovo tragedy?

Hon. B. Alasdair Graham (Leader of the Government): Yes, honourable senators, we are consulting with our allies on the proposal, which must meet all of our conditions in order to be a viable solution.

Senator Kinsella: The leader has said that Canada is consulting. What I am trying to ascertain is whether or not Canada has a mind of its own on this matter, whether there are any Canadian policy objectives that are being pursued.

Does Canada support the resolution as a sovereign country, or is it only consulting with others?

Senator Graham: Canada welcomes the German peace proposal, which is the latest in a series of proposals designed to bring an end to the conflict.

FOREIGN AFFAIRS

CONFLICT IN FORMER YUGOSLAVIA—INVOLVEMENT OF CANADA IN POSSIBLE RESOLUTIONS—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Canada seems to be very much a follower

in this horrific humanitarian and international security tragedy. My question to the Leader of the Government is: Does Canada have any creative or new ideas that Canada is bringing forward and attempting to prosecute in any international forum, including the United Nations Security Council, on which we have a seat in the General Assembly, in which Canada, under the Pearson government, played a leadership role, or any other international fora?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators would know that Canada has forcefully discussed this matter before the Security Council of the United Nations and has come to the conclusion, as did all other member countries, that it would be impossible to pass a resolution in that body because of the veto powers of Russia and China.

However, as I indicated yesterday, Canada is vigorously pursuing this whole matter on other fronts, such as through the Prime Minister's letter to President Yeltsin. Our Prime Minister is continually on the phone with the President of the United States, as well as with the leaders of other NATO countries.

Senator Kinsella: Honourable senators, an examination of the records of the United Nations of the last few weeks shows that Canada has not sponsored any resolutions, either before the Security Council or in the General Assembly, in an attempt to take a leadership role in finding a solution to this horrific tragedy.

Could the Honourable Leader of the Government be more specific as to where this Canadian resolution is, since we cannot find any record thereof in the annals of the United Nations?

Senator Graham: Honourable senators, I did not indicate that Canada had put forward a resolution. Canada has sponsored and led discussions with its counterparts in the UN Security Council. I also know that Minister Axworthy has spoken with the Russian foreign minister as recently as noon today to follow up on previous initiatives. Clearly, Canada is very involved with respect to taking positive initiatives in an attempt to resolve this horrific problem in that part of the world.

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA— DEPLOYMENT OF GROUND TROOPS—NUMBER TO BE ASSIGNED

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government.

With regard to the NATO assignment, a force of one infantry battle group, one "recce" squadron and one helicopter squadron was confirmed by the government leader during questioning on Tuesday. If he will stand by his statement of Tuesday, our troops in Edmonton, the Princess Pats, the Lord Strathcona Horse, the 408 Helicopter Squadron, and various support elements are in

fact training for just such a role. The Kosovo observers training in Kingston have been told of an option for upwards of 2,000 troops. This word comes from the J3 staff responsible for the Kosovo planning and operations.

Could the minister be kind enough to tell us if one and one does not equal two?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, one and one does not equal 2,000, as alluded to by my honourable friend. I said yesterday, and on a number of other occasions, that the number of troops that Canada might deploy for peacekeeping purposes — and I emphasize the words “peacekeeping purposes” — is in the range of 500 to 800, not 2,000, as suggested by my honourable friend.

Senator Forrestall: Will the minister at least acknowledge that it is the J3 staff who are responsible for the planning? Perhaps I am wrong.

Senator Graham: The final judgment is made by the Chief of Defence Staff, who makes the recommendation to the Minister of Defence, who then discusses it with the Prime Minister and cabinet.

Senator Forrestall: That was useless.

CANADIAN HERITAGE

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL— POSSIBILITY OF AMENDMENTS—GOVERNMENT POSITION

Hon. Donald H. Oliver: My question relates to the story in Thursday's *National Post* entitled “Ottawa mulling alternatives if Bill C-55 fails.” Conservative senators from the Banking Committee, the Transport Committee and the Legal Affairs Committee attended the opening hearings on Bill C-55 in the Victoria Building two nights ago to hear the Minister of Canadian Heritage, the Honourable Sheila Copps, defend the government legislation. The newspaper says that she “struck a defiant tone.” It goes on to say, “She vowed that the government would not back down and urged senators to pass the bill.”

The *National Post*, however, speculates that if other negotiation efforts fail, the Government of Canada may ultimately need to give up its 30-year effort to bar U.S. split-run magazines from Canada and instead provide compensation subsidies to Canadian magazines that lose significant advertising revenues to foreign split-runs.

During her testimony, Minister Copps said her officials looked at many options other than this bill, such as subsidies and licensing. Will the government leader tell us whether or not Bill C-55, now before the Senate committee, will be the bill that the Senate will be asked to vote on in third reading, or will it be substantially changed and altered?

•(1430)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, there are very competent senators sitting on

the Standing Senate Committee on Transport and Communications, including the distinguished Chair of the committee, Senator Bacon.

My understanding is that the hearing held Tuesday evening with the Minister of Canadian Heritage as the chief witness, along with her officials, went very well. I believe that the minister recognizes that the Senate is master of its own house, that the senators on the committee are masters of that committee, and that they should proceed accordingly.

However, in their desire to have a full examination of the bill, I am sure that members of the committee from all sides of the chamber would wish to hear from those people who wish to make representations in person or by letter with respect to the legislation by contacting the clerk, committee members or the chair of the committee. I am sure that all Canadians who wish to be heard by the committee, whether they are in favour of or opposed to the legislation, would expect nothing less than due process.

When we had second reading debate in this chamber, I was asked similar questions. I invited the Leader of the Opposition to make his speech that day and proceed to send the proposed legislation to committee.

If indeed the bill comes out of committee without amendments, and I anticipate that it will, then we should proceed with due process. We should deal with the bill expeditiously after those who wish to be heard have had an opportunity to present their cases to the committee.

Senator Oliver: Honourable senators, the newspaper report also refers to sources who say that the Americans have not directly ruled out a solution that would require foreign publishers to run a specified amount of original content in the split-run magazine editions aimed at the Canadian market.

Apparently the wording now being discussed, is original content, instead of Canadian content that the Americans will not accept. Is the minister able to advise us whether or not this is merely speculation, or are such negotiations being held at present?

Senator Graham: Honourable senators, I would regard that as purely speculative.

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL— POSSIBILITY OF QUICK PASSAGE

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, by way of a supplementary question, the minister made a very convincing case on Tuesday night. Senator Kinsella, on behalf of this side, in order to alleviate the minister's anxiety to have this bill passed unchanged, offered to cut short the hearings and report the bill here next week so that we could discuss it at third reading. I would think that the government would be anxious to pick up on that spirit of cooperation and show those who are being targeted by this bill that the government is serious, that the bill is well researched, that it is Charter-proof, and that it is WTO-proof. This is what we were told by the minister, and we take the minister at her word.

Let us pass the bill. Why have all these hearings when we are in favour of the concept? We are in favour of cultural protection for our country and our magazines in particular. Senator Kinsella made the suggestion that we hold hearings tomorrow, Monday, Tuesday and Wednesday. The bill could then be reported on Thursday, passed Thursday afternoon, and Thursday evening receive Royal Assent. It would show those who are affected by this proposed legislation that this government is serious about protection of Canadian magazines and that there is to be no watering down of this bill. The only way to present that message is to pass this bill as quickly as possible.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am delighted to hear the Leader of Opposition speak out so forcefully in favour of the legislation as it now stands. However, as I understand it, there are some witnesses, individual Canadians and interested groups who wish to appear before the committee.

As I understand the way this place operates, on very few occasions, unless there is an absolute deadline on a piece of legislation, have we not given Canadians an opportunity to present their case before the appropriate committee, whether it is the Standing Senate Committee on Transport and Communications or the Standing Senate Committee on Legal and Constitutional Affairs. We have pieces of legislation now before us upon which the opposition is taking its good time to examine and to speak to.

Senator Lynch-Staunton: With reason.

Senator Graham: I refer to Bill C-40 and Bill C-43. There has also been talk of amendments on other pieces of legislation. I know that Senator Grafstein has amendments to which he will be speaking on a bill of particular interest to himself.

Senator Kinsella: Good amendments.

Senator Graham: However, Senator Lynch-Staunton would be the first to object very strenuously if we did not give Canadians an opportunity to be heard.

I understand that there are groups and individuals who have expressed an interest to be heard by that particular committee. Surely, Senator Lynch-Staunton does not wish to stifle debate at the committee level at this particular time. I expect that the bill will be reported unamended.

Senator Lynch-Staunton: I hope Senator Grafstein was listening to the fact that all witnesses should be heard, because he told the Senate yesterday that, in his case, he was cut off from further discussion at the committee stage, and that is why he is bringing his amendments here.

The point is that this bill is a very special bill. It is not an ordinary bill. It says, "Canada stands up for itself and what it believes in." I am using the minister's own words: Let us stop being bullied around. The longer we wait, the weaker we appear. Stretch the hearings right through to June if you want. What you are doing is saying to the Americans, "Tell us what you want and we will give it to you."

Senator Graham: Honourable senators, I hope that we can count on the same support when the bill comes back from committee and we reach third reading stage.

Senator Lynch-Staunton: When will that be?

Senator Graham: One of the things that this leadership does not do is try to direct the operations of a committee or individual senators. Unlike our predecessors, we act in a very democratic way.

I have been informed by the chair and by individual members of the committee that other witnesses wish to be heard.

STATUS OF DISCUSSIONS WITH UNITED STATES GOVERNMENT ON SPLIT-RUN MAGAZINES

Hon. David Tkachuk: Honourable senators, I wish to follow up on the question that Senator Oliver raised with regard to the *National Post* article today. At the committee hearings, both Senator Lynch-Staunton and Senator Kinsella asked the minister whether negotiations were taking place. She said emphatically they were not taking place and that discussions were ongoing. The article in the *National Post* that Senator Oliver referred to indicates that negotiations are taking place.

Therefore, I should like to ask the Leader of the Government in the Senate whether or not negotiations are taking place. It seems that the leaks out of the government do not jibe with what the minister told senators on Tuesday night.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware of any ongoing negotiations. I am aware that discussions have been held between representatives of Canada and the United States. I believe the talks took place around April 7, 8 or 9, and the minister correctly characterized them as discussions and not negotiations.

I have not read the particular article in the *National Post* to which my honourable friend referred. I do not read the *National Post* very often since they printed such a poor picture of me a few weeks ago. It was not the best likeness of the Leader of the Government in the Senate.

Senator Tkachuk: Could the leader perhaps explain what the difference is between negotiations and discussions? Is there some sort of leap that will take place when discussions become negotiations when we are not watching?

•(1440)

Senator Oliver: Next week!

Senator Graham: Honourable senators, Senator Tkachuk and I could have a discussion about the fact that Wayne Gretzky may be appearing for the last time in the Corel Centre tonight with the New York Rangers. That would not be a negotiation, it would be a discussion. Discussions do go on between representatives of Canada and the United States, on a continuing basis. If they happen to touch upon the contents of Bill C-55, so be it, but to assure the honourable senator they are not negotiations.

[Translation]

POST-SECONDARY EDUCATION

MILLENNIUM SCHOLARSHIP FUND—
POSSIBLE RESOLUTION TO CONCERNS OF QUEBEC
EDUCATION COMMUNITY—GOVERNMENT POSITION

Hon. Jean-Claude Rivest: Honourable senators, I would like to come back to the issue of the Millennium Scholarship Foundation, which it seems are no longer the subject of discussion or negotiation between the Government of Canada and the Government of Quebec. Before we adjourned for Easter, we passed along to you the concerns of the entire education community, and particularly Quebec's students, regarding the impasse with respect to this project that all of Quebec has panned. This bad project is still around and the money is available.

Could the minister tell us about the discussions he has held with his cabinet colleagues?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I can assure you that I did bring the representations that were made by both honourable senators to the attention of Minister Pettigrew. I know that negotiations are underway between the Millennium Scholarship Foundation and many of the provinces.

I want to again emphasize that the foundation operates at arm's length from the Government of Canada. The foundation is very anxious to begin negotiations with the Government of Quebec, so that Quebec students may have some confidence about how they will be able to benefit from these scholarships in the same way as students from all other provinces.

We are also confident that the Quebec government will come to an agreement with the foundation and that Quebec students will not be penalized. I will again bring the concerns of my honourable friend to the attention of Minister Pettigrew and any other honourable ministers who may be concerned.

[Translation]

Senator Rivest: Could the minister inform his colleague, Mr. Pettigrew, that Quebec's students are so opposed to the millennium scholarships that last week they called for the resignation of Mr. Monty, the President of the Millennium Scholarship Foundation?

[English]

Senator Graham: Honourable senators, I, too, have seen and heard the news. The honourable senator would know better than I but I would not have come to the same conclusion. I do not know that that was a representative group of all of the students in the province of Quebec. Indeed, the government has heard from many students in Quebec who applaud the program and who feel

that it is a great program for the young people of our country. They see it as an excellent program through which they can receive direct assistance from the Government of Canada in pursuing a better education.

[Translation]

FOREIGN AFFAIRS

NATO FORCES IN FORMER YUGOSLAVIA—
MAINTENANCE OF DIPLOMATIC RELATIONS WITH RUSSIA

Hon. Pierre Claude Nolin: Honourable senators, last Tuesday, Senator Andreychuk asked you to explain to this chamber what measures the government had put in place to maintain contacts and ties with the Government of the Russian Federation.

I do not think we gave you the opportunity to elaborate. I would like to give you that opportunity today. It must be remembered that, during the darkest period of the Cold War, Canada continued to maintain productive relations with Russia. These relations played a very important part in the solutions we have found since the liberalization of relations between Russia and NATO.

What measures has the government put in place to ensure that good relations with Russia are maintained? It could easily have been foreseen that NATO would take action 20 days ago and begin air strikes against Yugoslavia.

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Senator Nolin may have missed my earlier remarks and the comments that I made yesterday relating to the Prime Minister's letter last Friday to President Yeltsin. In that letter, he explained Canada's position, outlined the proposals put forward by NATO and, indeed, expressed the hope that the Russian federation would be a part of the final resolution.

We are very cognizant of the feelings of the people of Russia. I emphasized and underlined yesterday the close relationship between Canada and Russia. Just a few moments before Senator Nolin entered the chamber, in response to another question, I made mention of the fact that Foreign Minister Axworthy had spoken at noon today with the foreign minister of Russia. We are continuing a very close dialogue.

[Translation]

RESPECT OF ARMS EMBARGO BY RUSSIANS

Hon. Pierre Claude Nolin: In these discussions, either with members of the Russian government or with the Russian ambassador to Canada, was there mention of the sale of arms between the Russians and the Yugoslavs? The arms were intercepted in Azerbaijan. Is the Government of Canada making sure that Russia is honouring the embargo on the sale of arms to Yugoslavia?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not sure of the exact contents of the discussion. I am sure the tone was cordial but I do not know the precise details of the exchange between Minister Axworthy and his counterpart in the Russian federation or indeed whether they related to the sale of arms.

I am sure that in the course of covering all bases, as Minister Axworthy would of course do, that if it were appropriate, that matter would have come up.

[Translation]

NORTH ATLANTIC TREATY ORGANIZATION

FORTHCOMING SUMMIT MEETING TO DISCUSS
STRATEGIC CONCEPT—GOVERNMENT POSITION

Hon. Pierre Claude Nolin: On April 23, the Heads of State of the 19 NATO countries will be meeting in Washington. NATO's strategic concept will be on the agenda. It is a very important political document. NATO has always had a strategic concept, which has been amended over fifty years. What is Canada's position? Do we want to keep the current strategic concept? If we want another one, what should it include?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I believe Canada will be putting forward some recommendations for changes at the NATO meetings in Washington to be held on April 23, 24 and 25, but it would be inappropriate for me to comment on those proposals at the present time.

SPORTS

POSSIBLE RETIREMENT OF WAYNE GRETZKY—
APPOINTMENT TO HALL OF FAME

Hon. J. Michael Forrestall: Honourable senators, I refer to an observation made earlier by the Leader of the Government. Should it happen that tonight is Wayne Gretzky's last game in Canada, would he lead a delegation of us to wherever that gentleman is so that we might escort him to the Hall of Fame post-haste?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, perhaps I may be permitted to reflect just a little? When Senator Sister Peggy Butts first entered the chamber, I made her introductions and mentioned that she was an uncompromising supporter of the Montreal Canadiens.

Senator Lynch-Staunton: Hear, hear!

•(1450)

Senator Graham: Honourable senators, I said at that time that the Canadiens would first be in Ottawa on October 25 of that

year and if anyone had any tickets they might make them available for Senator Butts. Within half an hour, she had either two or four on her desk, perhaps as a result of the courtesy of the person who sits closest to her on the left.

I am interested in seeing the game tonight. However, I started canvassing too late. I found out, to my dismay, that the source normally tap had already given his tickets to Senator Fairbairn. Thus, she will be the emissary who will escort, on our behalf, Wayne Gretzky to the Hall of Fame, appropriately decked out in her bright Alberta and Liberal colours.

UNITED NATIONS

NATO FORCES IN FORMER YUGOSLAVIA—
REPRESENTATIONS TO GENERAL ASSEMBLY TO END CONFLICT—
GOVERNMENT POSITION

Hon. Nicholas W. Taylor: Honourable senators, my question is directed to the Leader of the Government in the Senate. It concerns the Kosovo crisis.

Is the government investigating the possibility, as was done at the beginning of the Korean War, of outflanking the Security Council and going directly to a plenary session in order to get the approval of the United Nations for what they are doing?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I have, indeed, asked that question. I have been assured that it would be a fruitless exercise because of the veto that would be exercised by both China and Russia. The Canadian representatives came to the conclusion that it would be more appropriate and more expeditious, because of the urgency of the situation, to follow the route that was recommended by our NATO allies.

FOREIGN AFFAIRS

NATO FORCES IN FORMER YUGOSLAVIA—POSSIBLE ARMING
OF KOSOVO LIBERATION ARMY—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, I should like to ask the Leader of the Government in the Senate what is the official position today of the government on arming the Kosovo Liberation Army or any of Kosovo's neighbours. If the arming is to be done unilaterally by the Americans, what is the Canadian position?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware that Canada has a specific position on the arming of the KLA. That has not come within my purview of discussions. However, I shall attempt to obtain an appropriate answer for the honourable senator.

Incidentally, it was suggested yesterday by, I believe, Senator St. Germain that we arrange briefings for all honourable senators. I have made inquiries about that possibility. I have received a positive response. It would be appropriate that the leadership on both sides have discussions with respect to an appropriate time for that to take place.

As an alternative, the chairman of the Foreign Affairs Committee might want to convene a meeting of that committee. I have not discussed this with him. The committee could invite officials from whatever departments to provide a proper briefing to all honourable senators. I would be prepared to initiate those talks as soon as possible.

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA—BRIEFING OF PARLIAMENTARIANS—AVAILABILITY OF MINISTERS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, we would certainly welcome that kind of initiative. I thank the Leader of the Government for his efforts in that regard.

Am I correct in assuming that ministers would be made available for these discussions?

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, I was not specific with respect to ministers. It may be that at an appropriate time, when ministers are available, they could come to provide a briefing.

My request at the time was that the officials at the highest possible level be made available and, perhaps, not just for one briefing but on a continuing basis. On that point as well, I received a positive response. Whether or not it would be ministers at the outset, I could not guarantee. However, I think we are taking a step in the right direction.

Senator Kinsella: Honourable senators, we would be happy to collaborate with our colleagues on the government side. We attach some importance to having ministers appear, when available. However, in times like these we recognize the tremendous extra burden that ministers are under. Having ministers present would allow us to get into the issues of government policy, something which is very difficult to do with officials, although that, too, is very valuable.

I thank the minister for his efforts in getting officials because the technical side is equally important.

UNITED NATIONS

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—REPRESENTATIONS TO GENERAL ASSEMBLY TO END CONFLICT—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, while I am on my feet I would like to ask a supplementary question to the one posed by Senator Taylor.

As I understood Senator Taylor's question, he was asking whether or not the Government of Canada would, at the United Nations, seek to bring forward a resolution or another measure outside the Security Council. If I heard correctly the minister's reply, he pointed out the difficulty of doing things because of the

veto. The veto applies only at the Security Council, which is why we have been suggesting that it would be helpful for Canada to take creative steps at the General Assembly. Would the minister respond, please?

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, I am not aware of any specific steps that are being taken at the General Assembly. We support the position put forward by the Secretary-General of the United Nations. My understanding is that he is presently in Europe keeping himself, as suggested by others, at the ready to intervene. He has made his own proposal and conditions with respect to the cessation of bombing. That position is supported by Canada.

Senator Roche and others have asked if we are trying to open the door for the Secretary-General of the United Nations to assist him in his efforts. I want to give all honourable senators our assurance that, indeed, those efforts are being made.

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—POSSIBILITY OF EMERGENCY SESSION

Hon. Douglas Roche: Honourable senators, my question follows on Senator Kinsella's recommendation concerning the General Assembly. Because of the gravity of this crisis, which is getting worse daily, has the government given consideration to urging that an emergency session of the General Assembly be called? The General Assembly is not in session at the moment. However, an emergency session could be called under its rules.

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, I am not aware that consideration has been given to that particular point. The Secretary-General of the United Nations has taken his own initiative and is now in Brussels to take whatever action a secretary-general could take. Mr. Annan is so highly respected around the world, and I should hope that he would play a very important, perhaps a lead, role with respect to finding a solution to this horrific problem. I draw from the Secretary-General's approach that he feels that he can get more positive action being in that part of the world, rather than being back at the United Nations in the General Assembly.

The suggestions made by the German government to the European Community are still under active consideration. Some reservations have been expressed by certain countries. However, they are still on the table.

•(1500)

Certain conditions surround that resolution, as you know, with respect to the cessation of bombing for a period of 24 hours. Against that background, discussions are going on between the United States and Russia, and between Canada and all of our allies in NATO.

The situation is very grave, and I do not underestimate its gravity in any way, shape or form. However, I assure all honourable senators that my information, as late as just a few minutes before I entered the chamber, is that while there is hope, the matter is still very serious.

VISITOR IN THE GALLERY

[English]

The Hon. the Speaker: Honourable senators, I should like to introduce a distinguished guest in our gallery. It is Mr. Barry Gorlick, President of the Canadian Bar Association.

I am sure my colleagues will permit a small parochial note: Mr. Gorlick is from Winnipeg, in the great province of Manitoba.

[Translation]

LAW DAY

Permission having been granted to revert to Senators' Statements.

Hon. Gérard-A. Beaudoin: Honourable senators, I should like to bring to your attention that every year on April 15 the Canadian Bar Association celebrates a day dedicated to the law. This day commemorates the anniversary of the Charter of Human Rights and Freedoms and its theme is access to justice — a theme I wholly endorse. It reflects the right of all Canadians to benefit from equal access to information on Canadian rights and institutions.

Educational and information activities in which hundreds of lawyers will be taking part have been organized across Canada by the Canadian Bar Association, all aimed at making the law more accessible to all Canadians.

The Canadian Bar Association, which represents lawyers all across Canada, has joined forces with the Department of Justice and the provincial legislatures to help educate the public about our legal system and its institutions.

[English]

Law Day takes place across Canada, with activities including charity fun runs, "phone-a-lawyer" whereby the public can consult with lawyers who practice in a variety of specialties at no charge —

Hon. Senators: Hear, hear!

Senator Beaudoin: That is of some interest. There are also courthouse tours and open citizenship courts. Tours of the Supreme Court and the Federal Court of Canada are offered in Ottawa.

I would indicate that during this year, Mr. Gorlick of Winnipeg has spoken out on two major themes: independence of the judiciary and legal aid.

[Translation]

I therefore invite all of my Senate colleagues to join me in saluting the President of the Canadian Bar Association and the effort his association has put into this year's Law Day.

ORDERS OF THE DAY

CANADA CUSTOMS AND REVENUE AGENCY BILL

THIRD READING—MOTIONS IN AMENDMENT—
DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, seconded by the Honourable Senator Bacon, for the third reading of Bill C-43, to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence.

Hon. Roch Bolduc: Honourable senators, we continue to have serious reservations about this bill. At the committee stage, we heard from many witnesses, but we have a few words to say about it.

At the outset, I bring to the Senate's attention several promises made by the minister when he appeared before our committee on February 17 and 18. I wish to ensure that these are noted in the *Debates of the Senate*, as we fully intend to hold the government to account for those promises.

I also wish to make it clear that I am not raising these points to challenge the integrity of the minister or his deputy. However, ministers come and ministers go, as do their deputies, and Mr. Dhaliwal's view may not be shared by the person who holds this portfolio a year or a decade from now. I remind honourable senators that of the 31 ministers and junior ministers appointed by the Prime Minister in November of 1994, only five, including the Prime Minister, are still in their original posts.

First, the minister told us that he would continue to be accountable. We will be watching carefully, as we fear that, sooner or later, some future minister will cry, "arm's length," and duck his or her responsibility. We also fear that a minister one step removed from direct control will be a minister who must take his officials' words on matters in which he ought to be directly involved from the beginning.

We will not be the only ones watching. Garth Whyte of the Canadian Federation of Independent Business said:

Frankly, if the accountability function as designed in this bill does not work, the government will surely find out quickly, and I am convinced that it will pay a huge political price if the proper accountability mechanisms are not in place.

Then, honourable senators, there is the matter of the user fees. Various witnesses told us that they had been reassured that excessive user fees are not on the table. We are concerned because special operating agencies are more inclined to use these fees to supplement their budgets or to wean themselves from

appropriations. While cabinet approval is needed to raise fees, legislation clearly allows the agency to spend this money. Levon Markaroglu of the Customs Brokers Association of Canada told us:

We have some reservations about the system becoming more efficient through the initial expenditure of public funds to set up the proposed agency, only for the agency to download costs on to private industry.

We also learned in testimony from the Canadian Importers Association that, beginning in October, importers will assume the full cost of running the on-line system used to clear customs transactions. October is also the target date for the agency to begin operations. Is that a coincidence?

Honourable senators, if the government wants to impose a tax, it must come to Parliament for authority. If this agency wants to impose a user fee, Parliament has no say. The cabinet will decide, likely through the same rubber stamp that creates the thousands of Orders in Council each year. User fees represent taxation by agency or cabinet decree.

Owen Lippert of the Fraser Institute noted:

To the degree that the CCRA can augment its own budget internally through fees, property sales and multi-year budget re-allocations, it receives less direct instruction from Parliament.

We have been promised cost savings and simpler tax administration. Seeing will be believing, and right now those savings are very hard to see, with the provinces showing no interest in signing on.

Nor are we alone in our scepticism. Walter Robinson of the Canadian Taxpayers Federation told us:

To date, to the best of our knowledge, not a single province has signed on to this agency, or even communicated a public desire, through memoranda of intent, to seriously consider the merits of the CCRA. The Canadian Tax Foundation has noted that Ontario and Alberta are extremely suspect, given the federal government's objections to adopt a less progressive personal income tax structure.

The department has produced a study that points to impressive savings arising from the Canada Customs and Revenue Agency, especially in the realm of reduced compliance costs. This study is based on a complete provincial buy-in to the CCRA concept. I reiterate that, to the best of our knowledge, no province has signed on.

•(1510)

Honourable senators, the minister assured us that "fairness will be a practice of the agency, and also one of its fundamental values." Here, too, we must ensure that the word of the minister is honoured by those who follow him. Will Mr. Dhaliwal be there to keep this promise after the next cabinet shuffle? Your guess is as good as mine.

The new agency will be subject to the Access to Information Act. However, Revenue Canada has been notoriously bad in complying with this law. It is far from being an open department. In response to my question about the delays in releasing information about the agency, the minister told us:

We, as a department, are putting more resources into ensuring that we provide information in a more timely fashion.

Honourable senators, that does not give me very much confidence that what we are about to embark upon will create more control. I feel it will give less control.

We are told that small business will benefit, for example, by being able to fill in just one form instead of five, assuming that the provinces and local governments come on board. We will be watching very closely, as the history of bureaucracy is more paper, not less.

Another promise was that the agency's staffing practices would be subject to regular review by the Public Service Commission. Here, too, we will be watching, given the lack of any reference in the bill to the merit principle, and given that the Public Service Commission will have no teeth to back up its watchdog role.

Finally, the minister told us:

Our public servants are an integral part of national tax and customs administration that is second to none. I have no intention of leaving them in the lurch. The new agency will be designed to provide faster, simpler and more transparent human resource processes. It will make it easier for employees to move between jobs. Vacancies will be filled faster. Promotions and transfers will take less time to process. Recourse options will be more accessible and efficient.

Honourable senators, the Union of Taxation Employees and the Customs and Excise Union, the bargaining agents for 90 per cent of Revenue Canada employees, have expressed grave concerns. I was left with the clear impression that they do not take the minister at his word when he says that he has no intention of leaving them in the lurch. We are deeply concerned by this failure to bring the new agency's employees onside. They have raised serious concerns in areas such as job security and the lack of an independent appeal process to ensure that the merit principle is respected.

Further, we learned in testimony from two Revenue Canada employees, Barbara Stewart and Neil Crothal, that the government has done a poor job of communicating with its employees. Ms Stewart told us:

There is very little information with any depth to it getting to the general rank-and-file employee. Managers in our office recently held information sessions to provide updates, and there was nothing that we had not read in the newspapers about the status of the agency.

Managers were unable to answer questions about why there was not going to be third party recourse; what would happen to us once the two-year job guarantee provided in the legislation was up; why they would not extend the two years if there was not some intention to downsize; and why we have to go to an agency when most, if not all, of what they propose to do can probably be done under the current setup.

Honourable senators, Andrew Jackson of the Canadian Labour Congress called this "a labour relations accident waiting to happen."

Even Walter Robinson of the Canadian Taxpayers Federation was disturbed about this, telling us:

In regards staff interests, I would urge the members of this committee to seriously consider the objections raised by the various employee groups at Revenue Canada — employee groups like the Professional Institute of the Public Service, and the union of taxation employees. These groups have raised some real concerns about the creation of this superagency.

Honourable senators, several other points also trouble us. One in particular is the growing use of agencies to work around the staffing and control systems that have been put in place over the years. At second reading I quoted from last fall's Auditor General's report. I know that some senators opposite have problems with the Auditor General, but I think his advice is worth repeating one more time. He said:

Dissatisfaction with existing human resource management is also reflected in the interest among government officials in alternative service delivery mechanisms. One of the driving factors has been that present staffing, classification and compensation systems are too unwieldy and inflexible. The government needs to ensure that the rush to get "outside the system" does not divert attention from "fixing the system."

Honourable senators, when does this government intend to fix the system?

Then we have the matter of federal-provincial relations. Whatever good this agency may do if it can ever get the provinces to sign on may be lost if it aggressively seeks tax collection agreements with municipal governments in Quebec, for example.

The "big brother" issue must also be remembered. While the Privacy Act will apply to the agency, the fact remains that there will be a lot of data on individuals concentrated in one place. I trust the minister and I trust 99.99 per cent of his officials. However, no one can say with 100 per cent certainty that there will never be a case where someone's file is maliciously made public. It has happened in the past, as we know. Indeed, David Flynn, of the Union of Taxation Employees, told us:

Right now, the information out there is divided between Revenue Canada, the provincial tax regimes, property tax assessment roles, and so on. If the goal of the agency was

100 per cent fulfilled and Revenue Canada was collecting virtually every tax in Canada, including municipal property taxes, which is clearly the direction, there would have to be an enormous amount of information in one spot. Anyone will tell you that if that is the case, the chances for someone using, abusing, or compromising that information when it is being transmitted around electronically is greater when it is centrally located than when it is in a number of places.

Honourable senators, both the Canadian Importers Association and the Canadian Federation of Independent Business said that the board of directors must have the necessary skills and background to carry out their mandate. This, too, we will be watching.

I very much fear that, when the president of the Moncton Liberal Association is appointed to the board, we will find out that this was because hers was the only name on the list put forward by New Brunswick. It will be justified not on the basis of any particular tax or administrative skill, but on the basis of her years of service to the community.

After a month of hearings from the minister, the unions and business, I have not heard any compelling argument that this agency is necessary. Tax collection agreements can be reached without an agency. Revenue Canada's personnel problems would be fixed without an agency. There is no need for this agency.

[Translation]

I would even say it is an essential public service. If there is one thing that is public and needs to remain so, it is tax collection. If there is one minister and one department that must be retained, this is the one.

[English]

However, if the government is going to proceed anyway, it ought to at least address some of the very real concerns of its employees and of the public, the first one being of the utmost importance for sound public administration in this country — the merit principle in the personnel management of the new agency.

Honourable senators, the purpose of the amendment which I shall propose is to ensure that the agency hires, promotes and fires solely on the basis of merit. The functions of this agency are essentially a public service — collecting taxes to pay for the programs that we value. The public has the right to expect that those employees will be competent and qualified. That is the first criterion of selection for the public service. The way to determine competence or qualification is by competition among candidates so that the best are rated above others in order of merit.

The merit principle is a cornerstone of today's truly professional and effective federal public service. Before the merit principle, in the days before the First World War, the public service was a bastion of cronyism, patronage and discrimination. It mattered little if you could perform a job. Personal attributes having little or no bearing on the position at hand were more important than ability or competency. Religion counted more

than responsibility; politics more than professionalism. It mattered if you were Catholic or Protestant. It mattered if you were Irish, French or Scottish. It mattered if you were Tory or Liberal. It mattered if you were the senior clerk's nephew or neighbour.

Those days were put behind us decades ago. The Public Service Commission and the Public Service Employment Act removed bureaucratic and political patronage from the hiring, transfer, promotion and firing of federal employees.

•(1520)

Revenue Canada employees have very legitimate concerns that this bill opens the door to a modern, subtle return to past bureaucratic patronage. I share those concerns. This legislation would concentrate an extraordinary and excessive amount of power and discretion over human resource issues in the hands of senior managers of the Canada Customs and Revenue Agency. That must be fixed. It is not enough for the new agency to be charged simply with developing a human resources plan. It must ensure that its human resources plan incorporates the merit principle.

Honourable senators, Canada's bureaucracy is acknowledged — and, indeed, studied — around the world as a model of public service that works. That it does work as well as it does is in large measure due to the merit principle — the notion that, at the end of the day, all that should count is the ability of the individual to do the job, period.

Bill C-43 imperils this noble tradition. For the sake of this agency, its employees and the public it serves, the threat to the merit principle should not pass this chamber unchallenged. That is why I propose, honourable senators, an amendment.

[Translation]

MOTION IN AMENDMENT

Hon. Roch Bolduc: Honourable senators, I move, seconded by Senator Beaudoin:

That Bill C-43 be not now read a third time but that it be amended

(a) in clause 53, on page 17, by replacing line 7 with the following:

“(2) Appointments under subsection (1) to or from within the Agency shall be based on selection according to merit as determined by competition or by such other process of personnel selection designed to establish the merit of candidates as the Agency considers is in the best interests of the Agency.

(3) The Commissioner must exercise the“; and

(b) by renumbering all cross-references accordingly.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

Hon. John Lynch-Staunton (Leader of the Opposition): I assumed that there would be participants to the debate on the other side. If not, I will move the adjournment of the debate on behalf of Senator Stratton, who has a particular interest in this bill, and wishes to speak to the motion in amendment.

The Hon. the Speaker: I would need leave of the Senate for that motion, because I have already called the vote.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Lynch-Staunton, for Senator Stratton, debate adjourned.

EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT— DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Pearson, for the third reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence.— (*Speaker's Ruling*)

The Hon. the Speaker: Honourable senators, yesterday's debate on this order was interrupted by points of order. The first point of order was on the question of the motions in amendment being only in one language. That has now been corrected, and the motions are before you in two languages. Nevertheless, I will be doing further work on exactly at what point must we have motions in both languages so that, in the future, there will be a clear understanding in the Senate by all members.

The second point of order was on the question of comments made by the Honourable Senator Grafstein regarding information he received from a judge. I refer honourable senators to the *Debates of the Senate* of yesterday, page 3033. In the left hand column, the fifth paragraph, Senator Grafstein says, in response to the point of order, speaking about his argument:

I say only that it is tangential and I withdraw all my comments.

He repeats later on:

...I will withdraw. I agree with the honourable senator.

On that basis, I take it that the honourable senator has withdrawn his comments regarding Judge Arbour. Therefore, we can proceed with the debate.

Once again, I will be doing further study on this whole question of references to judges. It has come up before, and I think we should have a clear understanding as to what are the rules in the Senate. I declare that debate can continue.

I wish to point out that Senator Grafstein exhausted his 45 minutes yesterday. Therefore, unless leave is granted, he cannot continue further.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Jeremiah S. Grafstein: Honourable senators, I intend to be very brief. Before proceeding directly to introducing or repeating the amendments I had discussed yesterday, I wish to thank the deputy leaders on both sides, all of the senators, the Speaker, and in particular Senator Prud'homme and Senator Bolduc, who, in their comments, facilitated the opportunity for me to adjourn the debate so that I could have the translations done in both official languages.

As well, for the purposes of the Hansard record, I wish to thank the two staff members of the Senate who have been assisting me in drafting these amendments, and the translator who worked arduously in very short time-frames to facilitate this matter. I want to thank all senators for their kindness, and also the Hansard staff who had to undergo a very tumultuous translation period because I addressed the Senate so quickly on this matter.

Honourable senators, subsequent to yesterday's adjournment, I ensured that the Table Officers received a copy of my amendments in both official languages. In addition to that, I took the liberty of sending a copy earlier today to Senator Beaudoin and Senator Bolduc, who had raised the question, so that they would have the substance of the matter before I proceeded with the amendments today. They had raised some questions.

I am prepared to read clause 44, honourable senators, but if you wish, I will dispense with that since all senators, I understand, now have a copy of my amendments in both official languages.

MOTIONS IN AMENDMENT

Hon. Jeremiah S. Grafstein: Honourable senators, I move:

That Bill C-40 be not now read a third time but that it be amended...

The first amendment, honourable senators, refers to clause 44, pages 17 and 18. The second amendment, which is more lengthy, refers to clause 2 on page 2, and a new Part 3 on pages 2 to 32.

I am prepared to read the amendments in total. If honourable senators wish, I will dispense with that reading and take the amendments as read.

Senator Beaudoin: Dispense.

[Translation]

The Hon. the Speaker: It is moved by Honourable Senator Grafstein, seconded by Honourable Senator Joyal, that the bill be not now read a third time, but that it be amended as follows:

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a couple of questions for Senator Grafstein. They concern his address to us.

In his remarks, Senator Grafstein drew our attention to a memorandum he had received from Edward Greenspan. If the honourable senator agrees, could we have leave to table that document?

Senator Grafstein: It is a short memorandum. I am in the Senate's hands on that question. I would certainly like first to obtain Mr. Greenspan's consent, but I am prepared to do that.

The memorandum is not long. I did refer to it, but if it is appropriate, and because I have opened the door, I will facilitate the honourable senator and make that document available to him. I do not have it with me at this time, but I will ensure that he receives a copy as soon as possible.

Senator Kinsella: I thank the honourable senator for that. In debate, if one is quoting from a document, it is quite in order for senators to rise and ask that the original document be tabled. I appreciate the response from my honourable friend.

•(1530)

The second matter relates to the fact that reference was made in debate to electronic correspondence, I believe, with Madam Justice Arbour. Perhaps we could have a copy of that correspondence?

Senator Grafstein: I do not mean to return to the debate and the subject-matter of the point of order yesterday, however, I did not refer to Madam Arbour as a judge. I referred to her as a prosecutor, as the minister did in her testimony before the committee.

Let me tell you what those documents are. There is my request for information to her, her response, and then a subsequent response from another official at The Hague. I would certainly again undertake to facilitate the delivery of that material to the senator. I am in the Senate's hands here, however, on how you would like me to deal with that matter.

Senator Kinsella: Honourable senators, on page 3031 of the *Debates of the Senate* for April 14, 1999, on the ultimate paragraph on the left-hand side of the page it states:

A curious thing happened in the course of the last couple of weeks. I decided that I would do a little more homework on this subject. On March 31, I e-mailed Madam Justice Arbour, our prosecutor of war criminals.

That is what gave rise to a question from our colleague Senator Bolduc. Equally important is the fact that, in the course of the debate, reference was made to the testimony that was given by the Minister of Justice, Anne McLellan, when she appeared before the Standing Senate Committee on Legal and Constitutional Affairs. Upon examination of the record of that standing committee of this house, it was determined that the Minister of Justice had testified that Louise Arbour was in favour of this measure.

Without wishing at all to impugn anything other than that, we have a bit of confusion in the record that should be set straight. Since it has been raised in this chamber, I believe that it is now germane that we receive a copy of the documentation that was cited in yesterday's debate. Thus, I would ask the honourable senator if he would comply with my request.

Senator Grafstein: Honourable senators, I will try to facilitate that and send that to the Table Officers as soon as possible within the next 24 hours.

Senator Kinsella: Honourable senators, this raises another matter: When faced with an apparent contradiction in testimony received by one of our honourable committees, particularly when it appears to come from such a distinguished witness as the Minister of Justice for Canada, the Attorney General, as is the present case, I am sure that the honourable minister would wish to have the record made clear. On face value, based upon the debate thus far, we have on the record of this house an observation that perhaps the Minister of Justice and the Attorney General of Canada has said that Madam Justice Arbour has adopted a certain position or a view with reference to this legislation. Yet an honourable colleague provides us with information that says the opposite, although not necessarily the contradictory opposite. In the presentation of evidence and in the presentation of views, very often it happens that people use language such that the message gets somewhat obfuscated. Whatever the record is, I feel we should have it straight because right now it would appear that we have contradictory evidence on the record.

Does the honourable senator have any suggestion or recommendation as to how that might be best dealt with? For

example, is it his view that if this matter were to be referred back to the Standing Senate Committee on Legal and Constitutional Affairs, that might be a neater forum in which to have that matter made clear for the benefit of all the participants or, indeed, perhaps he has another suggestion, such as Committee of the Whole or some other vehicle? Nevertheless, the matter must be clean.

Senator Grafstein: Obviously I should like to have the minister's testimony on the documents that I will table with the Clerk. I believe they will be self-explanatory. I am not sure one can conclude whether they are contradictory or not. On the face of it, since they are documents and we have not had further discussion about that, the documents will speak for themselves.

As to the question of referring this matter back to committee, I have given that some consideration. I believe that while the remarks or the comments may be interesting with respect to certain witnesses, be it by way of the minister's comments or what is written in the documents I have with respect to Madam Arbour, that subject is tangential to the substantive amendments that I have presented. I do not think that that will, in any way, shape or form, block any senator from dealing with the substantive amendments.

We spent a fair amount of time on this matter yesterday. For the purposes of the public interest in facilitating this matter, since these are my amendments, it would be my proposal that we proceed with them. I have made these amendments and tabled them. Obviously, other senators may wish to comment on these amendments, and then I should like to proceed to a vote. We have enough material before us now for all senators to come to a fair and open decision.

Having said that, I do not believe it is appropriate for senators to come to the conclusion that I have until they see the documents, which I will present to them. However, at this moment, having looked at the documents myself relating to my two specific amendments, I feel that, with some debate, the Senate will be able to come to a clear-cut decision on those amendments. They are fairly simple in principle. The fundamentals are fairly clear. The drafting is another question; however, I believe that the questions are clear. Rather than continue for a lengthy period of time, I would prefer that we come to some speedy resolution of this matter in the public interest.

My personal preference would be to proceed with the debate. Obviously, I will table those promised documents within 24 hours and move to a vote quickly. The principles of my view are quite clear.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the issue before us goes beyond the bill itself: It involves the propriety of a minister in consulting a member of the judiciary and making that opinion known. His Honour will rule on that shortly. It also involves the accuracy of the representation of the judge's comments. It is quite categorical in the minister's testimony before the committee, as quoted by Senator Grafstein:

Bill C-40 has attracted strong support from the current Chief Prosecutor, Louise Arbour.

That is quite clear, that the committee was told that the chief prosecutor, Madam Justice Arbour, was in favour of this bill, which lends it a great deal of credibility. Certainly, coming from such an experienced person, that would influence many feelings about the bill.

Senator Grafstein then tells us that when she was contacted directly, her associate, Mr. Graham Blewitt, replied:

...it is inappropriate for us to comment on the specific way in which a state decides to meet these obligations.

In other words, the prosecutor refused to be drawn into the debate, which I believe is the quite proper course for any member of the judiciary to take. First, it is quite improper, I believe, to approach a member of the judiciary, and it is quite right for that member to refuse to be drawn in.

●(1540)

Did the minister mislead or misinform the committee? On what basis does the minister come to the conclusion that Madam Arbour has given strong support to Bill C-40? I do not think we should come to a resolution of this issue until these matters are cleared up. It could be that Madam Arbour does not favour this bill. However, though her opinion should not be before us, she has been drawn into this debate and her reputation should be cleared by resolving this matter.

If the minister was in error in quoting a letter, then the minister should make that known before we proceed with the bill. Whatever version the minister may have of the facts, which may be completely right and proper, we should know. At present, there is a suspicion that matters were not handled as properly as they should have been insofar as they relate to members of the cabinet and a member of the judiciary.

Hon. Lorna Milne: Honourable senators, I have a question of Senator Grafstein. I am glad that the honourable senator withdrew his remarks yesterday about Madam Justice Arbour. However, I do feel that he should, perhaps, correct the implication that was also made in this place yesterday that the Minister of Justice had, first, most improperly contacted a member of the judiciary and, second, had misled the Standing Senate Committee on Legal and Constitutional Affairs, contrary to my recollections.

I have checked the transcript of the committee's proceedings, and Minister McLellan at no time stated that she had spoken to Madam Justice Arbour. I understand that Minister McLellan received her knowledge of Madam Arbour's position on Bill C-40 from an article appearing in *The Edmonton Journal* of Wednesday, May 6, 1998, at page eight. If I may, to correct the second impression that the minister misled the committee, I should like to quote from that article. It states:

Justice Louise Arbour, an Ontario Court of Appeal judge who is currently chief prosecutor at the International War

Crimes Tribunal in The Hague, has accused Canada of lagging behind in its international obligation to bring suspected war criminals to justice.

She said Tuesday she is pleased Canada will be able to transfer alleged suspects —

The Hon. the Speaker: Honourable Senator Milne, I regret having to interrupt you, but is this a question to Senator Grafstein?

Senator Milne: I wanted to ask whether or not Senator Grafstein would perhaps reconsider what he has said, in view of what *The Edmonton Journal* has quoted and in view of the source of material for Minister McLellan.

The Hon. the Speaker: This is verging on an actual debate. However, if you are coming to a question, then please proceed.

Senator Milne: I have but a few more things to say. Continuing with the same quotation:

"There was a terrible void in Canadian legislation," Arbour said in an interview from the Australian capital of Canberra.

"I think having a structure in place will avoid what otherwise would have been a terribly embarrassing situation for a country like Canada."

In view of this source for Minister McLellan's remarks, I would hope that perhaps Senator Grafstein would also like to withdraw some of his implications from yesterday.

Senator Grafstein: Honourable senators, let me be absolutely clear. I thank the Honourable Senator Milne for raising the question. However, it was not my intention in any way, shape or form to draw any improper implications whatsoever from anything with respect to either Minister McLellan or Madam Arbour. That is why, when Senator Bolduc raised the question — and perhaps he took my comments a little farther than I had intended — I immediately withdrew those comments. However, I say again to the Senate that those comments with respect to Madam Arbour and the minister are tangential to the argument and to my amendments.

The minister, in her comments, made a reference to Madam Arbour as the prosecutor, which she is; the chief prosecutor in The Hague. I thought it was appropriate, when the minister did this, as an evidentiary thing to question that.

When one sees the correspondence, one conclusion that a senator could arrive at is that the chief prosecutor, in her capacity as chief prosecutor, chose not to participate in this substantive question. The issue remains tangential.

We can continue, honourable senators, to take a significant amount of the Senate and public time on this matter. However, I would prefer to deal with the substance of the amendments.

I say to Senator Milne, if there is any improper implication, I withdraw those statements as well so that we may proceed with the substance of the debate.

Hon. Donald H. Oliver: Honourable senators, my question is to Senator Grafstein. Yesterday, in the course of giving a background to the amendments that are now before the chamber, Senator Grafstein referred to one of Canada's most distinguished criminal lawyers, Mr. Greenspan. Senator Grafstein indicated that Mr. Greenspan may have some evidence and some views that might be of some assistance to the Senate in understanding the amendments that Senator Grafstein is proposing.

My question for Senator Grafstein is: Does he now feel that Mr. Greenspan would not be able to add anything to the debate and to the issues raised by his amendments?

Senator Grafstein: No, honourable senators, that is not my view. Again, I wish to return, if I could, to the substance of the particular amendments that I was addressing. Mr. Greenspan did not opine directly on those particular amendments. There were some general concerns that he had, and I raised them to demonstrate that sometimes in this place we facilitate hearings without taking the time necessary to listen to all viewpoints. I was careful in my comments to say to the Senate that I was not sure whether or not I agreed with Mr. Greenspan's comments. However, I wished to table them as another view.

As a question of practice and procedure, when outstanding Canadians make themselves available to the Senate, which is an adornment to the Senate, we should facilitate that gesture. However, as I read his comments, they do not directly relate to the amendments before the house at this time.

Again, I urge honourable senators, we can have a long and discursive debate about this, which might be useful for future practice; however, I am more interested in facilitating this legislation and in dealing with the amendments and proceeding with this matter. The primary and paramount interest is for us to have a renovated extradition bill, which I hope will include my amendments. That is the subject-matter before the house. That is the subject-matter with which I should like to proceed.

I thank honourable senators for listening so carefully to my concerns. However, by the same token, I do not wish to obfuscate the paramount issue that I put before this Senate, namely, dealing with two very important and fundamental issues. I characterized the two issues carefully yesterday. I hope other senators will also amplify whether or not they agree with those propositions. Let us get on with it.

I thank honourable senators opposite for raising these tangential issues as substantive, which they may well be. We have now heard from Senator Milne about Madam Arbour's position on this matter, and how the information was obtained. I am satisfied with that. However, I do not wish to take up the committee's time, which is already overloaded, as Senator Milne has implied, by referring this matter back and forth to them like a yo-yo.

I believe we have enough information here. All senators now have enough information before them, subject to receiving the

correspondence, which I will table, to come to a decision and to facilitate the matter and proceed with the issue at hand.

I thank all honourable senators for giving this matter the careful deliberation that they have at this time.

Hon. A. Raynell Andreychuk: I should like to ask the honourable senator a question. Yesterday, on a slightly different topic, Senator Grafstein indicated that he had put a question to the minister about the fact that Canada had not handled the war criminal situation well, and that he had received an unequivocal response from the minister. He then went on to talk about these amendments.

•(1550)

I should like to ask the honourable senator: Is it your opinion, or did you intend to leave the impression that, somehow or other, we would not be handling issues regarding war criminals appropriately if we did not have these amendments? That was not the committee's position, nor is it my position. However, I want to know if you are tying those two issues together.

Senator Grafstein: Honourable senators, I think they are tied together, but yet they are separate.

First, let me tie them together. I raised this fast-tracking issue in committee because the minister, in the cross-examination, accepted the fact that the history of Canada and war criminals was not very satisfactory. She admitted that. I think it is common knowledge, and I took it as almost a consensus in the country — certainly in this place — that, in the past, when we have had domestic war criminals, we have not proceeded with their prosecution expeditiously. That is well known, and I take it as a fact.

Having said that, that was the past, and that was the argument I was trying to make briefly in my speech yesterday. When we now look prospectively to the future, if we can, in effect, defer dealing with these alleged war criminals domestically and facilitate their transfer or surrender to the tribunal already organized and set up deal with these things more expeditiously, then that is in the interest of justice. Justice delayed is justice denied. By delaying prosecutions, perhaps we have been unfair to alleged war criminals. It is to be hoped that we can learn from the past.

The idea here was to have a faster track for war criminals who came to this country. When we found them, we would follow due process and then they would be surrendered to an international tribunal armed with the skill, knowledge and expertise to deal with these matters expeditiously, in fairness both to the accused and to the world. That was my purpose. I think I made that clear by differentiating the two.

If we have not learned from the past, how can we renovate the future? This is the future, and we should move on it as quickly, expeditiously and fairly as we can. That was my point, honourable senators, and I thank the honourable senator for bringing that to my attention.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I know that Senator Beaudoin would like to adjourn the debate on this matter. However, I would ask him if it would be permissible to adjourn the debate in the name of Senator Bryden. I ask that because Senator Bryden had originally stood to speak on this matter yesterday, and was pre-empted by Senator Grafstein on the understanding that Senator Bryden would follow. If it is agreeable, I wish to adjourn the debate in the name of Senator Bryden.

Hon. John Lynch-Staunton (Leader of the Opposition): Agreed.

On motion of Senator Carstairs, for Senator Bryden, debate adjourned.

MERCHANT NAVY WAR SERVICE RECOGNITION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator Atkins, for the second reading of Bill S-19, to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment.—(*Honourable Senator Carstairs*)

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I yield to Senator Atkins.

Hon. Norman K. Atkins: Honourable senators, it is with pleasure that I speak on Bill S-19, the Merchant Navy War Service Recognition Bill.

By the end of the Second World War, Canada had a merchant fleet of 180 ships and 12,000 mariners. Eighty merchant ships were lost, 1,509 merchant mariners were killed and 198 captured. The merchant navy suffered a higher rate of casualties than any other service.

On May 19, 1941, the Government of Canada stated:

...the merchant marine on which our seaborne commerce depends, is, under present conditions, virtually an arm of our fighting services, and the provision of merchant seamen, their training, care and protection is essential to the proper conduct of the war, and vitally necessary to the keeping open of the sea lanes on which the successful outcome of the present conflict so largely depends.

After November 1942, merchant seamen were officially called the Canadian Merchant Navy. Merchant mariners were treated as prisoners of war by multinational agreement after 1942.

Merchant mariners were subject to military law under Admiralty Orders and disciplined by the Navy Judge Advocate General.

Honourable senators, there are an estimated 2,400 merchant navy veterans left, and that number is rapidly declining.

Bill S-19 will complement the recent omnibus bill, Bill C-61. Bill S-19 does not spend money. The preamble of Bill S-19 sets out the bill's frame of reference, and is about the past. It is long-awaited recognition, and in some respects it is an apology.

Clause 3 sets out the purpose of Bill S-19:

to compel the end of legislative and government discrimination against merchant navy war veterans in the distribution of awards and benefits and in public ceremonies of acknowledgement for war-time services so that merchant navy war veterans will, in the future, receive similar and equitable treatment to that provided to the war veterans of the armed forces of Canada.

It is a Bill of Rights for merchant navy war veterans that will protect them in the future from discrimination.

Honourable senators, clause 4(1) would invalidate any future federal acts

...that would make any provision for a financial or other benefit to war veterans of the armed forces of Canada who served in World War I, World War II or the Korean conflict or their dependants...unless the Act makes provisions for a like benefit to merchant navy war veterans or their dependants.

There should not be any second-class war veterans in Canada. Bill S-19 would ensure, through legislation, a level playing field.

Clause 5 ensures merchant navy veterans a place in remembrance services.

For those who may be in doubt as to the courage displayed by our Canadian and merchant navy veterans during the Battle of the Atlantic or the perils and hardships they endured, I recommend they read a book entitled *Deadly Seas* by co-authors David Jay Bercuson and Holger Hervig. The graphic and factual descriptions will, I believe, most certainly dispel any doubts.

In summary, honourable senators, it is a simple bill. Any concerns regarding language can be easily handled by amendment in committee. I should like to see Bill S-19 sent to the Standing Senate Committee on Social Affairs so that the Subcommittee on Veterans Affairs can examine it.

On motion of Senator Carstairs, debate adjourned.

PRIVILEGES, STANDING RULES AND ORDERS

CONSIDERATION OF NINTH REPORT OF COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Ferretti Barth, for the adoption of the ninth report of the Standing Committee on Privileges, Standing Rules and Orders (independent Senators) presented in the Senate on March 10, 1999.—(*Honourable Senator Robertson*)

Hon. Brenda M. Robertson: Honourable senators, since I have no intention of speaking to this motion, I am prepared to yield to Senator Kinsella.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move the adjournment of the debate.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, when does Senator Kinsella intend to hold this debate?

[English]

•(1600)

He will be there and we will not. We will not be there and he will.

Honourable senators, this is a complete report. We may agree or disagree, but we must take cognizance of it. May we ask him when we can participate?

The Hon. the Speaker: I regret, Senator Prud'homme, but there is no debate on a motion for adjournment.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Prud'homme: No.

The Hon. the Speaker: Those in favour of the adjournment motion, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the adjournment motion, please say "nay."

Senator Prud'homme: No.

The Hon. the Speaker: In my opinion, the yeas have it.

Senator Prud'homme: On division.

On motion of Senator Kinsella, debate adjourned, on division.

SECURITY AND INTELLIGENCE

CONSIDERATION OF REPORT OF SPECIAL COMMITTEE—
MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kelly, seconded by the Honourable Senator Beaudoin, for the adoption of the Report of the Special Senate Committee on Security and Intelligence, deposited with the Clerk of the Senate on January 14, 1999;

And on the motion in amendment of the Honourable Senator Carstairs, seconded by the Honourable Senator Fairbairn, P.C., that the Report be not now adopted, but it be amended by deleting recommendation No. 33; and

That recommendation No. 33 be referred to the Standing Committee on Privileges, Standing Rules and Orders for consideration and report.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, Senator Bryden and Senator Kelly have already spoken on this report. They have covered virtually all of the areas in contention. I simply wanted to add my comments and my support for this report.

First, I wish to thank the staff, who were very patient during the summer when they had to collect material of a highly technical nature. They had their work cut out for them. They handled it admirably and served the committee members very well.

I wish to thank the committee members for their diligent study in this area. We expected to have some difficulty with the intrigue surrounding the subject-matter. Foreign policy issues are difficult but certainly security and intelligence, that whole nefarious world about which we know so little, is often even more difficult. Little did we foresee that there would be just as much intrigue between the chair and the co-chair, but that gave us some first-hand knowledge of how security and intelligence is really handled in practical, day-to-day work situations. I say that somewhat facetiously, as in the end, the matter was handled by all members diplomatically. We received the evidence and have compiled a report which is worthy of your reading for an understanding of the security and intelligence issues facing Canada. The recommendations are worthy of implementation by the government and the various departments.

We also owe a debt of gratitude to all the officials. Unlike some journalists and others who have said it is sometimes difficult to deal with RCMP, CSIS and other agencies, including the PCO, on this issue, we found members to be forthright. Their answers were facilitating. They took much time with us to explain the process. They gave us their opinions. I believe they served Canada well in this area.

This area cannot always be addressed openly and publicly, but I am pleased that the officials within all the agencies, and the RCMP and CSIS in particular, are looking for ways and means to deliver as much information as possible to the Canadian public without jeopardizing our security in Canada.

What troubled me most is that these people are working under incredible odds. The sphere of activity has enlarged greatly. The criminal element has now joined with terrorist elements and their realm is huge and growing by the day. Much of this growth is due to the interrelations of our world and much is due to new technology.

In the past it was difficult to plan a terrorist attack without being on site, without having personal contact. That contact is now virtually unnecessary. One can live in a remote area of the world and be bank-rolled from another part of the world. One can pull a trigger in one part of the world and cause explosions and serious harm to citizens in yet another part of the world. Therefore, the issues of security and intelligence are no longer a pitting between what we used to call our enemies and our friends. They are global issues, and we are all now struggling to contain these elements.

The use of criminal activity to fund terrorist activities is blurring the line between these two segments and is, therefore, causing great difficulties for agencies such as RCMP and CSIS. They can no longer maintain their investigations within their own spheres. Our definitions are finite. The activities of criminal, narcotic and terrorist elements do not abide by those limitations. They cross over time and time again.

It is very difficult, without the kinds of protocols and agreements that we have in Canada, for our officials to function adequately while continuing to be accountable. I believe the report addresses the accountability issue in great length. We are demanding more accountability from our officials and, in fact, are getting it. I commend those who are thinking about new ways to bring the issues to the public.

We were also conscious of the fact that in bringing an awareness of terrorist attacks which could possibly happen in Canada, we could inflame an issue; we could cause undue anxiety in the population. Those who work within CSIS and the RCMP are also concerned about that possibility. They are finding ways to bring forward the information that they can without causing undue difficulty.

The overall assessment in the report is that we are being served well and that we are not a target for terrorist activity at this time. At the same time, the situation could turn within minutes. We must be ever vigilant to ensure that we have the best policies and the best practices in place.

I want to underscore in this report my greatest concern. We have consistently, sometimes for valid reasons and sometimes for questionable reasons, reduced the funding for our agencies and departments which deal with terrorist activities. We have systematically cut them back as we have attempted to curb our deficit position or readjust and streamline other situations. My

greatest concern is that the continuous downsizing of these agencies has affected their capabilities. We must understand that they are doing more and confronting new situations with less and less dollars.

Every day they must make a choice of which situation to investigate and which situation they simply cannot handle. Their judgments fail from time to time, we will share with them the cost of that misjudgment. I hope that cost will not include the lives of Canadians or situations of grave difficulty for Canadians. I would ask the Government of Canada to seriously consider looking at refinancing and bringing up the levels of contribution to both CSIS and the RCMP, which is absolutely critical to maintaining the kind of work that they have been doing.

•(1610)

The RCMP has had to deal with increasingly sophisticated technologies, which takes time, training and understanding. At the same, there has been an increase in the need for community policing. How can the ministry decide whether to worry about criminal activity on the streets of Canada at the same time as preventing terrorist activity?

It is often said by the Americans that we are a soft target: that so many of the activists who target the United States use Canada as their launching pad. I feel that the Americans overstate the situation. Make no mistake, there is truth in their saying that Canada is an easier country to enter. We are more receptive to people coming into our country. We are a much more open society. We do not have the mechanisms and means to track nefarious activities like the United States does. We can be used and we have been used in the past, as a launching pad for other activity. This is something about which we should be aware. We should reconsider the capability and the capacity of the RCMP and CSIS to do their jobs well.

Honourable senators, I have already alluded to the fact that the sphere of activity has enlarged. I cannot go into detail since our hearings were held *in camera*. However, the methodologies used by those who wish to employ terrorist tactics have exploded, and they are exploding on a daily basis.

The ability to move funds by electronic means is phenomenal. Cellular telephones and new-age machinery is being developed on a daily basis. The tracking of these means is not the same. It is a bit of a dilemma for Canada, because most of our systems contemplated measures such as obtaining search warrants to tap telephone lines, and having legislation in place when we do tap those lines without search warrants. In many cases, telephones are passé. The type of technology that officials are using now is way beyond that.

It is an intricate, highly educated group of people which has chosen to work in terrorist activity. We need the capacity and the capability to rebut that activity. What is reassuring is that we are aware, through our various agencies, of this changing field. When we started our study, we were somewhat concerned as to whether those agencies were on top of the situation. I am pleased to say that they are. They are keeping in touch with other

agencies around the world. They are trying to build the linkages that will help our system here in Canada. What is missing is the manpower to do the job fully.

Honourable senators, we need to work on our alert systems. We need to work more fully, and in a coordinated way, with other agencies. You will see in the report recommendations in this regard. In this way, in particular with the American authorities, we can share information and build a worldwide system that combats terrorism and other nefarious activity.

I now wish to address three areas in the report which are of concern to me. While I believe it is an excellent report, there are a number of areas that I wish to underscore and point out why I have some difficulties with them.

My first concern is with Recommendation No. 13, which states:

The Committee recommends that consideration be given to amending the *Income Tax Act* to allow Revenue Canada to deny charitable registration to any group on the basis of certificate from the Canadian Security Intelligence Service that the group constitutes a threat to the security of Canada. Any such amendments must be carefully drafted to ensure that the Canadian Security Intelligence Service's decision is adequately reviewed on application by the group, and to avoid a situation where the certificate becomes a bargaining chip in obtaining cooperation from such groups.

This is the area which caused me the greatest problem. We have an open society in which we come together in groups and associations. Many of our people come together on an ethnic basis because they feel comfortable doing so. It is a way for them to learn more about Canada. They can find solace with each other and do good works in Canada, hence the request to obtain a charitable registration number. Recently, many of these organizations have been infiltrated by minority groups which use the group for fund-raising. They put the fund-raising under the heading of "humanitarian and charitable," yet we know that they misuse these funds, perhaps for the purchase of arms or to carry on terrorist activities.

It is important that we thwart this kind of activity within the voluntary sector. It is also important that we maintain the integrity of the voluntary sector, and that we do not damn all people who join an organization by the activity of a few.

I was strongly against CSIS having the authority to remove the certificate of charitable registration from any group in Canada. I believe that is inappropriate. It would mean that if there was some illegal activity found within the group, the whole group would be tainted and damned. I do not believe that is in keeping with our encouragement of voluntary activity and free association in Canada.

We concluded that the numbers should be taken away through an amendment to the *Income Tax Act* only if strict procedures are put in place with regard to due process and fairness, and that

an opportunity be given to the organization to come forward to speak to what it is and how it conducts itself. The activity of one or two individuals who misuse a group should not prejudice other members of the group.

We are also aware that a number of these people do intimidate. In particular, among recent immigrant arrivals, those who wish to continue actions overseas sometimes intimidate their own members. They do it quite well and quite surreptitiously. We did not want to reinforce or support that activity.

While the view of some is that the removal of the registration number helped some, it is my opinion that it damned all of them. We must find other mechanisms to stop the intimidation within these recent immigrant groups and other groups —

The Hon. the Speaker: I regret to interrupt the Honourable Senator Andreychuk, but her 15 minutes has expired.

Is leave granted for the honourable senator to continue her remarks?

Hon. Senators: Agreed.

•(1620)

Senator Andreychuk: Thank you, honourable senators.

If I may reiterate, I firmly believe that we must continue to support free association in this country, and we must find other ways to stop negative and nefarious activity perpetrated by a very few individuals within these groups.

I believe our Recommendation No. 13 should be read in that light. We were not certain and we were not capable of drafting what should take place; we simply said there should be a mechanism because our security should be paramount. Therefore, perhaps that capacity should be there. However, we should have a full review by, perhaps, the Minister of Justice and Parliament before such a step is taken. It should not be used as a bargaining chip within the CSIS mandate.

The second recommendation I wished to comment upon was Recommendation No. 33. The committee recommended that a standing Senate committee on security and intelligence be constituted. The method and manner is outlined in the recommendation, and I will not read it.

I have a slight difference of opinion with the chair and with other members of the committee. This is the third Senate committee that has investigated security and intelligence in Canada. It has brought a certain expertise to the table, but it also brought a freshness and a willingness to look at all issues in a way that I believe would not be there if we institutionalized the process. It would have the capacity to become very pro forma. Therefore, I believe that we need parliamentary scrutiny, and I believe that the Senate scrutiny which has occurred twice before — this is the third time — has served Canadians very well. It has been thorough; it was been exacting on the officials; it has touched all bases to give the kind of assurance that we are, in fact, doing the best we can in this field.

While I agreed with the recommendation to have a Senate standing committee, I believe that we should seriously look at whether a standing Senate committee is the only way to go. Is there a more efficient or unique way in which this can be done? I hope there will be a debate in the Senate to cover this area in a different manner.

The third comment that I wished to make is that the whole immigration process needs to be examined. We only touched on that aspect in the report. It is extremely important — and we have a section highlighted in our report — that anything we say about improving and strengthening immigration processes to prevent terrorist activities and those who perpetrate it from entering Canada is not to be taken as a statement against immigration and the very valuable part that most immigrants play in Canada. In fact, if I may say so, that is the majority, with very few exceptions.

We believe that if we could strengthen some of the immigration areas to withhold immigration from some well-known, key players in the terrorist field, we would be doing a service to all of those who have immigrated to Canada, and will continue to immigrate. They will be seen in a more positive light. I believe those comments and recommendations in our report are directed at that aspect, and not at the full immigration process. In fact, I believe all of us, as a committee, were very strongly in favour of continuance of immigration. Nothing in the report should be seen to the contrary.

In conclusion, I thank Senator Kelly for his dedication to this issue. Not only did he work diligently throughout this report, but he maintained this as his area of concern and expertise on virtually a daily basis, from month to month and year to year. It was his insistence and persistence that made this report possible.

I also applaud the vigilance of the deputy chair, Senator Bryden, in ensuring that the chair opened up the process to contrary views. We had the kind of debate and discussion that had to take place in a confidential manner, but it was also done in a very open and frank manner.

I believe the report is worthy of a reading. In particular, I would encourage the Government of Canada to act upon it. There has been a signal that the Government of Canada is interested in this report and is taking measures to move on it. I would commend them to continue along that line.

Hon. Marcel Prud'homme: Honourable senators, I should like to thank the senator for an excellent intervention on an important issue.

It is no secret that I violently opposed the creation of CSIS in 1984. I voted against it because I thought it was a mistake. Although the RCMP were accused of having committed many mistakes — and they did abuse their authority — I was still of the opinion at that time that we should have modernized the RCMP and thus have only one institution.

However, after having attended some of the meetings as a non-member during the summer — I repeat, as a non-member — but as someone who seconded Senator Kelly's motion on this issue, I am now reconfirming my opinion that we do not need two institutions.

I will eventually participate in the debate. Regardless of what some of them have said, you could detect that they do not work as closely as they should.

Are you of the opinion that, during our reflection, we should perhaps take into account the fact that, because of the refinancing that you mentioned in your speech and the lack of money in the budget, we should begin to look at whether or not we could have only one super organization, namely the RCMP, with two divisions, instead of two complete and separate organizations?

Senator Andreychuk: I am glad that you have allowed me to touch on that point, because I was thinking the same thing.

With all the faults of the previous system, I would have preferred to have continued the system under the RCMP. Having said that, CSIS is now in place. Time has passed, and we have two agencies. To dismantle them and try to put them together again would be of greater disservice to Canadians than the present situation.

From what we witnessed, what we heard, and what we sought out from other sources, there are difficulties between the two agencies. However, what two ministries do not have difficulties working together? What two individuals do not have difficulty working together? I think the efforts that both the RCMP and CSIS have made at the top level and at the working level are very commendable.

We had the opportunity personally to see other areas than Ottawa and the head offices. On the ground, CSIS and the RCMP do work together. It is unfortunate that there are gaps and that certain personalities do not work well together from time to time. Those are the ones we hear about. However, as a system, I believe that each year they are more coordinated. They have rules in place, and protocols are being used to cover these areas.

•(1630)

We must remember that issues of terrorism involve not only CSIS and the RCMP; they involve municipal police forces and emergency services also. There are now Canada-wide protocols and provincial protocols to coordinate any disasters that may arise from any of these situations.

Therefore, I can only reiterate that, while they still have some distance to go, they have, in fact, improved admirably their ability to work together. We should do everything we can to encourage the continuance of that line, rather than encouraging them in any way to try to split apart. I think it would be destructive at this point in time, not constructive.

On motion of Senator Corbin, debate adjourned.

THE BUDGET 1999

STATEMENT OF MINISTER OF FINANCE—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 16, 1999.—(*Honourable Senator LeBreton*).

Hon. Mira Spivak: Honourable senators, Senator LeBreton has yielded her place so that I may speak to this matter at this time.

I wish to address three deficiencies in the recent budget. First, I wish to speak to the fact that the budget does not bring an end to the partial de-indexing of personal income taxes and tax credits.

The previous government began the practice of adjusting tax brackets and credits by only part of any year's annual rate of inflation. It introduced the inflation dampening measure in 1986 and maintained it to fight the deficit, but those justifications for it have vanished. Partial de-indexing has outlived its usefulness. Now the government is simply using it to raise taxes without the political pain of announcing tax increases.

Second, I wish to address the government's failure in this budget to face up to the costs of climate change or to do anything to mitigate the environmental and economic impact of that problem.

Third, I wish to speak briefly to the government's continuing blind spot on the need for a national child care program.

The partial de-indexing of taxes and tax credits — in Canada's case, limiting adjustments for inflation only when inflation exceeds 3 per cent — has been justified as an automatic fiscal stabilizer during periods of high inflation. Like tax increases, it takes money out of the hands of consumers, withdraws spending power, and dampens inflation. Several OECD countries have used it. Some abandoned indexation entirely.

In Canada, there is no doubt that partial de-indexation has also been one of the chief instruments of federal deficit reduction. The Caledon Institute of Social Policy estimates that last year's federal tax revenues were more than \$10 billion, or 16 per cent, higher than they would have been if personal income taxes had been fully indexed to inflation over the years.

High rates of inflation disappeared years ago. All that remains of partial de-indexation is its negative aspects. It allows the government to demand more taxes every year and allows it to increase revenues covertly. It is undemocratic; it is a disincentive to work, and it is patently unfair, chiefly because it falls heaviest on the lowest income earners in our society.

In times of low inflation, such as the period we are currently experiencing, many people believe that partial de-indexing has little impact on after-tax income. The fact is that it has significant cumulative effect. Between 1986 and 1998, Canada's partially de-indexed income tax system was adjusted by only 7.6 per cent. If it had been fully indexed to the rate of inflation, it would have been adjusted by 32.9 per cent.

What were the consequences? Partial de-indexing lowered the threshold at which single taxpayers begin to pay federal income tax. It reduced the level from the low annual income of \$10,500 in 1980 to the exceedingly low income level of \$7,112 in 1998. It forced more than one million low-wage workers to begin paying taxes. It pushed 1.9 million taxpayers from the bottom tax bracket to the middle tax bracket, through the phenomenon known as "bracket creep." It pushed another 600,000 taxpayers from the middle to the top bracket. It eroded the value of federal child benefits, affecting eight in 10 families. It effectively increased the amount of GST that the poorest members of our society pay by eroding their refundable GST credits. In effect, it imposed a hidden income tax increase on taxpayers at all income levels, the poorest having suffered the most.

To cite one example: A taxpayer who earned \$25,000 in 1988 paid 12.9 per cent of that income in federal taxes, not including CPP contributions and EI premiums. The taxpayer was in the 17 per cent tax bracket. Ten years later, the same taxpayer, whose income had kept pace with inflation, was paying 14.7 per cent to the federal government, or an additional \$441. That hidden tax increase came about in two ways. First, the basic personal credit was worth less in constant dollars because of partial de-indexing. Second, the tax brackets declined in real terms, pushing this taxpayer into the 26 per cent tax bracket.

Taxpayers at all income levels are paying more because their tax credits have fallen in value. The hardest hit, however, have been the working poor or those struggling to survive on a small pension. A single taxpayer receiving \$10,000 a year saw a 450 per cent increase in taxes. This is not an error. These are statistics for which I have documentation. At the same time, those earning \$100,000 or more saw a 6.9 per cent tax increase due to partial de-indexation. Of course, the figures are small for \$10,000 a year, but the percentage is there.

We recall the outrage among senior citizens when the former government tried to partially de-index Old Age Security benefits. The government of the day was sensitive to the criticism and withdrew that proposal. However, partial de-indexing has remained in place as a deficit-fighting measure, not only for income tax but also for child benefits, federal transfers to provinces, and the refundable GST credit. Inflation was wrestled to the ground and the deficit has gone. Now it is time to end partial de-indexing.

The Finance Minister's budget speech hints that the government knows what it is doing. The minister announced a \$675 increase, effective in July, in the amount all taxpayers can earn without paying taxes. He announced it in the guise of tax relief which more than offsets the effect of inflation on the basic credit since 1992. At the same time, he said that this government wants tax relief to be permanent, not temporary. He said that the

worst thing the government could do would be to provide structural tax relief one year, only to have to rescind it the next. I believe that the real value of that \$675 increase will be eroded because the government has not removed partial de-indexing.

The government estimates that the combined effect of all the income tax reductions announced in this budget will be \$1.5 billion in lost revenues. What it does not say plainly is that partial de-indexation will raise tax revenues by an estimated \$840 million, lowering the net cost of those tax cuts by a substantial 56 per cent. This budget's relatively small tax breaks will lose ground to inflation as early as next year. Income taxes will dip a small amount, then begin their steady climb. It is time that the government restored full indexation for the benefit of all Canadians.

There is another matter in which this budget is deficient. The government is not using its powers to ward off the costs of damaging the environment, particularly the immense costs arising from the changing climate. Again, the Finance Minister, in his budget speech, alludes to the fact that the government is aware that something is happening to our climate. He mentions the government's capacity to assist victims of flooding in the Saguenay and the Red River Basin, and to respond to last year's ice storm. The government knows full well that the climate is changing.

About our changing weather patterns, Environment Canada says that last year was the warmest year on record in Canada, with national average temperatures 2.5 degrees Celsius above normal. Areas of the Arctic saw annual temperatures more than four degrees above normal. These record-breaking average temperatures exceeded the 1981 record by half a degree — an incredible amount in a science where records are normally broken by no more than a tenth of a degree. Of course, we all know that the huge ice shelves of the Antarctic are falling into the sea.

Last year was also Canada's ninth driest year on record. We received 2.7 per cent less rain and snow than in average years. Water levels in the Great Lakes fell by twice their normal amounts. The water level of Lake Ontario dropped by more than a metre. Environment Canada also says that evidence to support greenhouse-gas-induced global warming continues to mount. Of course, the increasingly frequent storms, floods, and so on, are also indications of global warming.

•(1640)

Consider the costs to the federal treasury alone of some of these events: \$60 million for Canadian Forces efforts during the ice storm; \$690 million in disaster relief to Ontario, Quebec and New Brunswick in the wake of the storm; \$170 million in disaster assistance to Quebec following the Saguenay flood; and \$87 million to victims of the Red River flood.

The insurance industry knows that the costs of natural disasters to everyone — private sector, public sector and

individuals — is more than doubling every five years. Last year's tally was expected to approach \$3 billion.

What is the action to confront this major issue? The action is creating tables. However, those tables will do nothing to ensure that Canada keeps its commitment of a 6 per cent reduction in greenhouse gas emissions based on 1990 levels by the year 2000. We are going in the wrong direction because our emissions are now 13 per cent higher than they should be, and unless we do a dramatic about-face, they will be fully 25 per cent higher.

The Kyoto deadline is just 11 years away. Eleven years ago, a federal-provincial territorial task force was in place which studied whether Canada could cost-effectively achieve the target urgently recommended at the Toronto conference on climate change. The task force concluded that we could not reduce emissions by 20 per cent by 2005 without some economic pain. Nevertheless, four years later, Liberal candidates promised voters that a Liberal government would take us there. Red Book I said:

An immediate priority will be to design a plan to achieve this target, working with all major stakeholders. Our commitment to using economic tools for environmental protection...will help us to make progress towards this target while maintaining a competitive economic base.

Under the heading of "progress to date," we are told that the government has created 16 so-called Issues Tables, is involving 450 experts, and has formed a national steering committee, a national coordinating committee, a national secretariat, an integrated group, and hopes to have a draft strategy to present to federal and provincial energy and environment ministers in December.

Six years ago, the Royal Society of Canada delivered the Cogger report, commissioned under the Global Change Program. The report summarized some 19 major Canadian studies produced between 1988 and 1992, 11 studies produced in the United States and seven major international reports. Many of the Canadian studies quantified potential energy savings or emission-reduction strategies that would pay for themselves in five to ten years or carry no net costs.

Four years ago, the Climate Action Network of non-governmental organizations gave the government an independently analyzed plan to stabilize greenhouse gas emissions — a plan which was likely to increase employment and contribute to deficit reduction. The plan contained two economic instruments: a two-cent gasoline tax and a "feebate" program to reward Canadians who bought fuel-efficient vehicles and tax those who chose inefficient cars, vans and trucks.

We are now told that ministers will have several options in December, and that they might approve a plan in principle. They might agree on measures for so-called "immediate" implementation. They might ask for refinements or suggest alternatives, or they might agree to still other tactics — agreeing to review and consult with their respective governments. Whatever they do, the year 2000 will be upon us before the ministers have a chance to refer any plan to first ministers.

There is only one conclusion: The sense of urgency recognized in convening the 1986 Toronto conference has now completely dissipated; the sense of urgency reawakened at the Earth Summit in Rio has been lost, and now the diminished sense of urgency following Kyoto is being diffused in a gaggle of new committees and tables and proposed meetings. Most of all, this is just talk. The time for action is now.

I merely want to cite one comment on this situation. Early last year, 25 Order of Canada recipients gave their time to a national forum on climate change and spent several months educating themselves. They admitted they knew little about climate change before they began. In June, they delivered their message to the Prime Minister. I should like to read part of what these extraordinary Canadians concluded. They stated:

We, the members of the National Forum on Climate Change, believe that climate change will touch the life of every Canadian. Decisions taken today...will have implications for our communities, our children and our future. Climate change, caused by the buildup of greenhouse gases, could lead to dramatic changes in sea levels, storm patterns and average temperatures. Every Canadian has a role to play in reducing greenhouse gas emissions. The time for action is now.

Finally, and briefly, honourable senators, I wish to address the other long-forgotten promise — the promise of a national child care program. Instead of a national child care program, Canadians got a revised child benefit system and, in last year's budget, a healthy increase in the child care expense deduction. Whatever the merits of those benefits, they do not remove the need for more high-quality child care. The nub of the problem is inadequate supply. Years of government reductions — all sorts of governments — in transfer payments to the provinces has hit child care particularly hard. Licensed child care spaces have been lost in response to the substantial decline in federal transfers.

Today in Ontario, parents are scrambling for licensed child care. They are placing the names of unborn children on growing waiting lists. In Toronto last summer, the vacancy rate in the city's 725 licensed daycare centres dropped to zero for the first time ever. In Quebec, a recent report tells us that 100,000 new spaces — double the number now available — will be needed within six years. Within the next decade, the granddaughters and grandsons of the baby boom generation will begin arriving. The Quebec government says it intends to meet the demand. Parents in other provinces are unlikely to be as lucky. A difficult situation will grow worse unless the federal government intervenes. I would hope that this government and the Minister of Finance would agree with the deficiencies in this budget respecting the child care infrastructure disaster.

Honourable senators, a budget is really a government's action plan, and deals with where a government is really going. In two important areas, climate change and child care, there has been no movement. Indeed, we have stasis. On the tax side, we are moving by way of "bracket creep." It is time for change.

On motion of Senator LeBreton, debate adjourned.

NUCLEAR WEAPONS

RESPONSE OF GOVERNMENT TO REQUESTS AND RECOMMENDATIONS—INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Roche calling the attention of the Senate to the urgency of the Government of Canada saying "no" to becoming involved in a U.S. missile-defence system; and the need for the Government of Canada to contribute to peace by implementing the 15 recommendations in the report of the Standing Committee on Foreign Affairs and International Trade, *Canada and the Nuclear Challenge: Reducing the Political Value of Nuclear Weapons for the Twenty-first Century*.—(Honourable Senator Prud'homme, P.C.).

Hon. Marcel Prud'homme: Honourable senators, I know that you are all tired and want to finish for the day. We know the rules. As a matter of fact, we are becoming more and more versed in the *Rules of the Senate*. I hope my honourable colleagues use them. However, I hope that my honourable friends understand the strong feelings of Senator Roche, Senator Wilson and other independent senators to solve this matter. We have speeches prepared on every piece of legislation, and we will use them. This is not blackmail. For some, it was five years of kindness, but we are not making any progress. I know that some people have strong views on the subject. We live in a democracy. Let us express our views and vote on a report that makes sense.

Therefore, in the spirit of cooperation, I would ask that this matter remain standing in my name.

Order stands.

•(1650)

ELECTION OF CANADA TO UNITED NATIONS SECURITY COUNCIL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Roche calling the attention of the Senate to the election of Canada to the United Nations' Security Council for 1999–2000, and Canada's role in contributing to peace, global security and human rights in the world on the eve of the new millennium.—(Honourable Senator Graham, P.C.)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I should like to say a few words in relation to the inquiry introduced by Senator Roche with respect to Canada's selection to the UN Security Council.

First, I wish to thank Senator Roche for launching this inquiry, which marks Canada's election to the UN Security Council for the sixth time in our history. Whether it has been as author, parliamentarian or diplomat, Senator Roche has spent much of his distinguished career as a committed internationalist, most particularly with respect to the problem of disarmament.

He now challenges us in this chamber to think deeply about the great responsibilities which face our country over the course of our two-year mandate on the Security Council. While it is a high honour for Canada to have won our mandate with such an unprecedented majority, attesting to the singular skills of Prime Minister Chrétien, of Minister Axworthy, of Ambassador Fowler and others, it is equally clear that the international demands on our national will, our determination and ingenuity have skyrocketed over the last few months into the cataclysmic events that now so cruelly characterize the Kosovo tragedy.

In his remarks, Senator Roche stated that the hopes, fears, grief and anxiety of humanity must be the hopes, fears, grief and anxieties of Canadians themselves. The honourable senator contended that in many ways we will find our own national soul through the process of involvement in the tremendous problems facing the planet.

I believe that on both counts all honourable senators may take comfort from the fact that our international involvement has always been a mirror of the kind of people that we are. When we look into the looking glass of the world community, we see a country whose values have been rooted and fashioned by the combined experiences of generations of Canadians who have believed in peace and liberty, respect for minorities and human rights. Our cultural diversity alone ensures that our connections and networks in every corner of the planet thrive and expand. We appreciate and empathize with the problems and the struggles of peoples everywhere because we, as a people, as Canadians, have roots throughout the entire world.

Throughout our very extensive involvement in the international community over the decades, we have projected our unique and what some people refer to as "precious" Canadian values back across this planet as adept multilateralists and institution builders, as pathfinders in international UN peacekeeping missions and the like. Our election to the Security Council reflects this history, as well as our high standing and enviable reputation internationally. As Prime Minister Chrétien said:

It is a recognition by the nations of the world of our long-standing commitment and support of the UN. It is another high point in what has been an exciting and productive period for Canadian diplomacy.

It has been said that Canada came of age at the time of the creation of the United Nations. In this respect, UN-building was Canada-building. This remarkable symbiotic relationship has enriched and empowered the international community as much as it has enriched and empowered Canadians themselves. In these early months of our mandate, we have brought a new human

security agenda to the deliberations of the Security Council; a human security agenda which is a road map to a new century; a road map to a global society in which the safety and well-being of the individual is an international priority; a road map for an international society in which humanitarian standards and the rule of law are the twin engines of a new and better world.

The present agony in the Balkans, the plight of Kosovo's people, is only one of the human faces of conflict in today's world. It is only one of the faces of horror across the planet; a world in which casualties from armed conflict have doubled in the past 10 years; a world in which roughly 80 per cent of the 1 million people who lose their lives each year in armed conflict are innocent civilians: all of them innocent victims of some of the grossest violations of human rights and humanitarian law known to man.

The Canadian human security agenda is an ambitious one. It will demand much patience and much forbearance. It will also demand much partnership building and multilateral diplomacy to build a coherent web of institutions and laws which will centre upon the safety and well-being of the individual. We will be assisted by some of the important changes in the council as it now stands; an infrastructure of change which needs continuing engagement by Canada and continuing development by Canada, which needs real leadership to bring it to its fullest potential.

One of the more important of these positive shifts in the evolution of the council was seen in the recent inclusion of intra-state issues as part of the definition of threats to international peace and security. Until this time, the council had defined those threats exclusively in military terms. We now see an outline of a new world appearing in the traditional state-centred landscape of the Security Council. The bedrock notion of the respect for state sovereignty, so much at the heart of the UN covenant, is gradually being balanced by the recognition that the paramount concern of the international community must be the defence of the security of individuals.

NATO's actions demonstrate how our regional and global institutions can respond to threats to human security. These actions also demonstrate how much is to be done in the future. Canada would have preferred that the UN Security Council authorized the operations against the Federal Republic of Yugoslavia. Our diplomats worked hard to develop a consensus for Security Council action to advance peace and security in the region. However, the realities of power and the stumbling-block of the veto, an important safety valve where super-power interests are at stake, meant the NATO recourse to air strikes would become the principal response to a decade of criminality and a vicious spiral of violence against Kosovo's population.

The reality of the veto, honourable senators, should not detract from the valuable work that the Security Council has done over the course of this decade. The Security Council launched 15 new peace operations. We saw a new receptivity to address civil and intra-communal disputes. We saw the willingness to authorize complex mandates to so-called second-generation peace-building operations of great depth and scope.

Canada has already taken a proactive stance in focusing the Security Council on the human security agenda and integrating the human dimension into its operations and approaches. Only a few short months ago, Canada initiated a meeting of the Security Council devoted specifically to the protection of civilians. The Secretary-General will soon prepare a report on the concrete steps that the council might take to further the human security agenda.

•(1700)

Last week, the UN Undersecretary General for Humanitarian Affairs strongly advised the council to act in the interests of civilians in armed conflict, calling the systematic campaign of expulsion from Kosovo a crime against humanity.

We are seeing increasingly important signs that the council will soon be required to act on the rhetoric of some of the recent debates, not only because of the admonishments of highly respected international citizens such as Sergio de Mello, but as a natural reaction to the overwhelming chorus of world opinion.

All of us would agree with Senator Roche's observation that the Security Council as it is presently constituted, and that includes the veto holders themselves, needs a drastic overhaul. It is a sad but strongly entrenched reality that the entire continent of Africa does not have a permanent seat, that the entire continent of South America does not have a permanent seat, that the entire continent of Asia which holds half the people of the world has only one seat. Reform is urgently needed.

Efforts to reform the council and Canada's position as a non-permanent member should not be confused with our agenda over the next two years. Vital issues regarding the need to reform the council with regard to Security Council expansion and the use of the veto have been under consideration by the UN for several years. Canada has been actively engaged in discussions on the subject in the appropriate UN working group. As I have said, Canada has no illusions about the feasibility of sweeping reforms.

I believe that we are all aware that we take our seat at the Security Council at a time when the council faces many challenges to its credibility. As our council mandate evolves, we will and are speaking forcibly on all the great issues of our time. We will shape alliances and we will build consensus amongst state and government bodies alike, showing the same leadership that the international community expects from Canada, the kind of leadership that Minister Axworthy has shown on the land mine issue, the question of the new world criminal court, the small arms issue and many others.

We will continue to take strong positions on sealing off sources of conflict before they consume whole societies and peoples. We intend to examine the purpose and the effects of sanctions, as we have recently done in the initiative over the Iraq situation. We intend to foster the process of inclusion in informal council debates of other relevant UN bodies and non-state members who are parties to the multi-dimensional nature of conflict across the planet.

We intend to apply ourselves to the substantive issues before the council during our term, bringing our values and our interests to bear upon them.

In this, our sixth term on the UN Security Council, we write a new chapter in our relations with the global institution which, as someone once said, if it did not exist, would have to be invented. In this chapter, we will provide and project all of our national values and compassion, our rich and accumulated normative wisdom, our pragmatic idealism and our hope for humanity.

I thank Senator Roche for launching what I know will be a most important and challenging debate in the days to come.

Hon. Marcel Prud'homme: Honourable senators, I have a question. Having sat with Senator Roche many years in the other chamber and on the Foreign Affairs Committee, I wish to say to him, as a sharing of experience, that he must be careful when Greeks come bearing gifts. He has been showered with so many compliments today that I am almost afraid to say anything.

My question is to the minister. One of the greatest contributions that Canada could make at the UN would be to respect the United Nations resolutions. Which resolutions are important for us to respect and which ones should we put aside? It is my hope, but not my expectation, unfortunately, that Canada will stand up and respect all of the United Nations resolutions. My father always told me, and most honourable senators already know, "Do not pick and choose which ones you apply and leave aside others, for political power or any other reasons."

When will Canada stand up at the UN? With the great support that we receive all the time, you merely have to stay "Canada" and everyone gets dizzy. Yet we are mainly responsible for the first UN resolution that was not pursued, resolution 181, on November 29, 1947.

•(1710)

We in Canada — and specifically Mr. Pearson and Mr. Justice Rand from the Supreme Court — created Article 181, which states that there shall be two states on the land of Palestine, one for the Palestinians and one for the Jews. We were very generous with someone's land. I respect that resolution. We have not pushed that any further.

When will Canada stand up and say that every resolution of the UN is important, and that we must not pick and choose, including that complete book of resolutions pertaining to Cyprus, and the multiplicity of resolutions that I will refer to in public? Would it not also be a good idea for Canada to stand up and say to the rest of the world, "In Canada, we stand up for the UN, and when we vote for a resolution, we believe that it should be pursued to the end?"

Senator Graham: Honourable senators, if that was not the beginning of your speech, then it would certainly make a good beginning.

I think that our record at the United Nations, dating back to the days of Lester Pearson and others, as I mentioned the other day, speaks for itself. I would leave it to those who are there directly to speak on behalf of Canada. From time to time, individual Canadian parliamentarians are invited to be there.

With respect to the specific resolution to which my honourable friend refers, I am sure that he will be very eloquent on that particular point when he rises to make his remarks.

I support all of the resolutions that are there, particularly the ones that have been sponsored and supported by Canada in the past.

I commend to all honourable senators who are interested in this particular subject a book which is never outdated. It speaks of Canadians who have made a contribution to the excellent work of the UN. It was edited by Clyde Sanger. I can tell from the edition I received from the Library of Parliament that obviously it has been often read. As I thumbed through the pages, I saw many familiar faces, including that of Senator Roche, dating back to 1985, I believe, when he was at the United Nations. There is a picture of him and former Prime Minister Brian Mulroney. To ensure that representatives of several political parties are included in the picture, there is even a picture of Ambassador Stephen Lewis from that particular time. I commend the reading of this particular book to all honourable senators. I will return it to the library shortly. I used it as a reference point.

I look forward to other honourable senators participating in this very important debate.

Hon. A. Raynell Andreychuk: Honourable senators, I noted all of the honourable senator's words of peace and hope. He tied them to the United Nations and to Canada's role. I was following the speech very closely. At the end of the speech, he mentioned the projecting of Canadian values abroad as being worthy.

It would seem to me that the value of the Security Council and the United Nations is that we do not project our own values but that we project common values. That is what the universal declaration is all about. I should like to know the honourable senator's view on this subject. I have given my speech here, and I said that I think our role should be to project universal values, not exclusively Canadian values.

Senator Graham: Honourable senators, I do not believe that Canadian values are at variance with universal values.

On motion of Senator Andreychuk, debate adjourned.

SECURITY IN EUROPE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Grafstein calling the attention of the Senate to the

Canada-Europe Parliamentary Association (OSCE) Delegation to the Standing Committee Meeting of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE PA), held in Vienna, Austria, from January 14 to 15, 1999 and the situation in Kosovo.—(*Honourable Senator Roche*)

Hon. Douglas Roche: Honourable senators, I rise to speak on the inquiry launched some days ago by Senator Grafstein, dealing with the Organization for Security and Cooperation in Europe and the situation in Kosovo.

I should like to begin by expressing my appreciation to the Leader of the Government in the Senate for his kind words a few moments ago about me, and for the thrust of his speech on the United Nations.

Honourable senators, this is an agonizing moment for the world, especially for those in both Kosovo and Serbia who are suffering such appalling fates. The death and destruction are beyond belief. As we are finishing the 20th century, we pride ourselves on being at a very high level of sophistication, and yet we are witnessing this horror.

It is no secret that I have taken a strong stand against the NATO bombing. I have felt compelled to do so. Honourable senators might like to know that there are some significant numbers of people in Canada who agree with me. The public opinion polls have shown that a majority of Canadians support the bombing. However, without going down the avenue of how public opinion polls are done and how the media affect them, I will only mention the reaction that I have received in this past 10 days, a combination of e-mails, phone calls, faxes, letters, and so on. I have received several hundred responses. The reaction, as tabulated by my office, is running at the moment 70 to 30 in favour of my stand, which is against the bombing.

I do not present that to you as any reflection of public opinion. I am not qualified to do that. I am merely reporting to the Senate that there are a great many Canadians who are concerned about this action.

•(1720)

Let me give you two or three examples from my own mail. The Veterans Against Nuclear Arms, a very distinguished group of Canadians who know quite a bit about war, wrote to me as follows:

Veterans Against Nuclear Arms is shocked at the Government of Canada support for the NATO air attacks launched against Serbia on Wednesday 24 March 1999. These attacks were made without any authorization from the Security Council of the United Nations Organization.

I received a communication from Michel Chossudovsky, Professor of Economics at the University of Ottawa, who wrote as follows:

[Senator Graham]

Amply documented, the bombings of Yugoslavia are not strictly aimed at military and strategic target as claimed by NATO. They are largely intent on destroying the country's civilian infrastructure as well as its institutions.

To that, I add parenthetically my own note, that the admission today by NATO, that it was responsible for the bombing yesterday of a number of refugees who were trying to escape, is but a reflection on the folly of trying to use bombs to bring peace.

The third communication I received was from Project Ploughshares, which is an ecumenical peace organization sponsored by the churches of Canada. Project Ploughshares, which has a distinguished record in analyzing the issues surrounding disarmament and development stated:

The NATO bombing must be stopped. Not because it lacks Security Council approval. Not because that would end the killing and ethnic cleansing. Not because NATO's assault could not eventually crush the regime the Yugoslav regime of President Slobodan Milosevic. And certainly not because Canada and the rest of the world should not get involved in the continuing crisis in Yugoslavia.

The bombing must stop because it utterly fails in bringing protection and safety to the vulnerable people of the region. Bombing doesn't work.

The fourth and final citation that I will offer from my own mail is from the Dukhobor community of Canada, which has a strong base in British Columbia. Their directors have put forward a very touching and graphic proposal illustrating the depth of feeling of many Canadians. They propose that in light of the Canadian emphasis on human security, and keeping in mind Canada's reputation as a peacekeeper and an honest broker with no hidden agendas, we send into Kosovo unarmed non-governmental organization representatives who would position themselves in the necessary areas to effect a pause in the fighting. I do not imagine that the government will take up that suggestion. However, I report it here because it is a reflection of the depth of the feelings that there are in Canada.

That said, honourable senators, if you look at public opinion generally on this area, there is ambivalence and confusion. This is because NATO has occupied the commanding heights on the provision of information. Canadians are being subjected to these interminable briefings by NATO officers who are trying to put the best face on what they are stating.

I think it is becoming apparent as the days go on that many Canadians are revisiting either their initial ambivalence or acceptance of bombing and recognizing that something must be done.

Last Saturday morning, I attended a meeting held at the Vancouver Public Library in which some 350 persons were in attendance. It was an overflowing audience that was not

ambivalent at all. They expressed their strong feelings that Canada is doing the wrong thing in allowing NATO to overtake the United Nations in a resolution of this conflict.

We should be examining some of the effects of this war — and I can use no other word to describe the bombing actions. I will not go down the avenue about the constitutionality or otherwise of Canada's action without a vote on an action in Parliament to declare war. I leave that to others in the Senate who may want to address that issue.

For the moment, I want to say that, as a result of the war, tragic things are happening. Commerce in Europe is now being severely affected. All the neighbouring countries of Yugoslavia have been destabilized. The shipping on the Danube is coming to a halt as a result of the bombing of the bridges. That will have a back-up not just in shipping but in the provision of economic goods for much of Europe.

Yesterday, the United Nations food and agriculture organization said that the Kosovo crisis will have a profound long-term impact on food security in the region. They stated that thousands of farms have been destroyed, abandoned or left untended. Farming equipment has been looted or destroyed, and there has been great losses of livestock exacerbating the problems of food supplies for displaced persons and others.

This disruption of commerce, coming on top of the human tragedy, is itself bad enough. However, when we consider the implications down the line of the disaffection or the alienation in international relations, I think we have some real cause for concern.

Yesterday, the Russian representative to the disarmament commission of the United Nations located in Geneva warned all 61 nations participating in that body that however noble the goal, the one-sided, unilateral steps carried out in disregard of the UN and NATO's imposing its will through military force on a sovereign country would only have negative effects on disarmament. Indeed, the Duma's ratification of START 2 was to take place in the Russian Duma. However, it has been deferred in protest against NATO. There is an inability to get negotiations going on START 3, thereby setting back the whole nuclear disarmament agenda. Indeed, that is imperilling the non-proliferation conference of 2000. All of this is a consequence of what is going on.

The Russian ambassador said that peace could not be built on the sufferings of totally innocent people; that real, effective settlement of the problems is possible only on the basis of the strict respect for international law, first and foremost, of the United Nations Charter.

We have had quite a discussion here in the Senate about the need to have the UN Charter examined in respect of what is now going on. While that debate is taking place, we are faced with an urgent situation as a result of the perpetuation of the bombing. Yesterday, the leaders of 15 European Union countries presented

a plan by which Kosovo would be placed under temporary administration if Milosevic agreed to withdraw his forces and allow hundreds of thousands of Albanian refugees to return. We do not know what the results of this European plan will be. However, I will say that Canada has an influential position as a member of the Security Council. We ought to be working overtime and pushing for the acceptance of this or an alternate, diplomatic-type plan to stop this carnage, these accidents, this destruction — this terrible killing that is going on in the name of the resolution of the Kosovo crisis.

•(1730)

Thus, honourable senators, we come to the role and, indeed, the dilemma of Canada. Let me say at the beginning that I accept without reservation that Canada is trying to effect a diplomatic solution. Only a few moments ago, I went down the hall to a meeting of the House of Commons Foreign Affairs Committee where the Minister of Foreign Affairs, Lloyd Axworthy, was making a presentation. He explained in that place what Canada is doing. I applaud that. I want to recognize that here, since in a moment I will make a comment that will not be complimentary.

It also goes without saying that I support the Canadian Armed Forces in this terrible dilemma.

I see that I am probably coming to the end of my time. If honourable senators will give me three or four minutes, I will then conclude.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Roche: Thank you, honourable senators, for your courtesy to me.

This action is not good enough. We are still rather shy about pushing Canadian values forward. I know something about those values because I have travelled across the country on two occasions in the past two years, conducting round table discussions in 18 cities, where hundred of Canadians attended, many of them community leaders. I know that there is a very strong body of opinion in our country that wants Canada not just to cooperate in solutions to these terrible world problems but to take a leading role in putting forward and insisting on finding solutions that will avoid war.

We are, in the presentation of our work as Canadians, caught in a dilemma. I think, here, we should face up to this. Canada, for a long time, has supported the United Nations as the keystone of our foreign policy. Senator Graham's speech a moment ago eloquently outlined that long history of our interests. We are the thirtieth largest country in the world but the eighth largest overall supporter of the United Nations, so important is it to us. We have said in the formal foreign policy of this country that we will follow the UN in its development of international law. All that is on the one hand.

On the other hand, we are a member of NATO, a western alliance formed during the Cold War to defend its member countries against an attack from some other source, particularly, of course, the Soviet Union. Now the Cold War is over, and NATO has been searching for a new role. Of course, the expansion of NATO is part of that.

Let it not be said, let it not be hoped, let it not be accepted, that a role for NATO in this new period that we have entered will be to go outside its area and become a political arbiter of the resolution of disputes. That, honourable senators, is a role for the United Nations. We are in conflict in Canada between following the United Nations on the one hand and following NATO on the other. We have fudged that conflict for some time.

The conflict is particularly apparent in the issue of nuclear weapons. The United Nations wants to eliminate them; NATO says they are essential. Thus, the action of the Senate in sending forward a motion asking the Canadian government to recommend that NATO review its nuclear policies was a laudable action, and I hope it will be productive.

However, there is more to examining how Canada will act in respect of our obligations to the Charter of the United Nations and our obligations to NATO when those obligations come into conflict. Honourable senators, they are in conflict. I would leave aside nuclear weapons. They are coming into focus in conflict in the changing mandate of NATO. What is this NATO mandate today? Do we not have a role to play in establishing how NATO will conduct itself?

It is well recognized that the United States plays a predominant role in the determination of what NATO will do. Because of our very close association with the United States in so many activities of our life, not to mention trade, Canadians are somewhat hesitant to speak firmly when they see the United States asserting its strength in certain ways that are not compatible with the United Nations.

I conclude by saying that this Kosovo dilemma is bringing into sharp focus a foreign policy dilemma or crisis of its own for Canada. We will not be able to fudge much longer. We must decide where our pre-eminent allegiance lies. Is it to a military alliance that was set up and continues to play an important role that I support, or will it be to the United Nations, which is, under international law, the guarantor of peace and security in the world?

There is a conflict, and I leave it at that, but I say that the Organization for Security and Cooperation in Europe must be re-engaged in the resolution of the Kosovo conflict, and so too must the Security Council of the United Nations. Canada can play a distinctive role in looking at a resolution of this problem, not just in the immediate short term but in the long term. We can do that by holding true to our values, which were expressed by the Canadian government in its reaction to the agenda for peace offered by the Secretary-General of the United Nations a few years ago, when Canada said that there ought to be a rapid

reaction force capable of quick deployment under the United Nations' auspices which would go into areas of incipient conflict, thereby alleviating future wars. If that had been followed, if we had pushed harder for the acceptance of a new kind of military force under the United Nations, then we would not have been forced into the situation in which we now find ourselves: that of backing NATO because it is trying to alleviate the distress caused by Milosevic, but which, through taking this route, is actually producing untold damage and setting back the cause of international law.

That, honourable senators, is the dilemma that we face as Canadians.

Hon. Jerahmiel S. Grafstein: Honourable senators, I should like to ask a question of Senator Roche, who has responded usefully and passionately to my inquiry.

The senator places before us not only a conflict but a dilemma. He raises the conflict between NATO and the United Nations and their different mandates and different roles, and we are active players in both because we believe in multilateralism as much as anyone.

He forces me to ask the question of myself, as I heard him recount his antitheses to the bombing, which all of us share, and that is this: What should we have done in Croatia at the beginning of this decade, when there was the beginning, if you will, of "ethnic cleansing" as it relates to the Serbians in Croatia? What should we have done differently with respect to the cleansing that took place in Bosnia, which led to the UN not only bombing, but armed force? I think it was UNAFOR.

•(1740)

What should we have done when the world, through the United Nations, established safe havens in Yugoslavia and then found, after the world put its imprimatur on these safe havens, that they were indeed not safe havens but that people were being slaughtered there? What should we have done when we found out?

This may or may not prove to be correct, but some weeks or months ago it was reported that Mr. Milosevic had been planning his ethnic cleansing in Kosovo since 1989 when he declared that Kosovo, then with a Serbian minority of 10 per cent versus 90 per cent of Albanian extraction, would be exorcised of its autonomous government, that the Albanian government in that province would be removed from all positions of power. In fact, he did that. I think it was called Operation Horseshoe. He planned this in advance of the NATO bombings.

What do we do? Do we wait for another debate that goes on for another decade until the United Nations can end up with the very good idea of a rapid deployment force? What do we do about the human suffering and the ethnic cleansing in the interim? I am as concerned as is the honourable senator with the niceties of Parliament in terms of this matter, and with respect to the rule of international law, but what is one to do?

In conclusion, next week I will be attending the OSCE as a member of the executive committee. My major concern at that meeting will be how it was that the support staff of the OSCE in Kosovo, after the OSCE verifiers left in anticipation of NATO action, were slaughtered. People who worked for the OSCE, whether Albanian or Serbian, apparently were slaughtered. Obviously, we will ask that question.

What is one to do in the face of evil?

Let me go back in history. The senator will recall this. There was a chance in —

Some Hon. Senators: Question, question.

Senator Grafstein: My question is: What is the alternative?

I apologize, senators, but there is a history here.

Senator Lynch-Staunton: I agree. Speak to the inquiry, then.

Senator Grafstein: Perhaps the senator will respond to that question, and I will add one more footnote.

In the 1930s, the great hope was that the League of Nations would establish an international force, whether by sanctions or otherwise, to stop aggression. Italy moved against Ethiopia.

Senator Lynch-Staunton: Honourable senators, I rise on a point of order. After a senator's speech, the Senate provides for a period for questions and answers. Senator Grafstein is participating in the debate without debating.

Senator Grafstein: I will come back to that later. My primary question is: What was the alternative, having in mind that the Yugoslavian authorities had demonstrated that they were moving quickly and forcefully, with 40,000 armed forces and militiamen, to ethnically cleanse Kosovo? What was one to do?

Senator Roche: I thank Senator Grafstein for his question, and for the manner in which he has expressed his deep concerns. He began by asking what we should have done. Well, what should we have done in Rwanda? What should we have done in Somalia? What should we have done in Cambodia, and all the other places in the world where terrible atrocities have taken place?

The answer to that was put some time ago by both the United Nations and the Organization for Security and Cooperation in Europe. We must highlight the strengthening of preventive diplomacy and peacemaking and the need to put resources into building conditions for peace. The Organization for Security and Cooperation in Europe has many arms through which it has begun its work in historic terms; diplomatic, parliamentary, and the protection of minorities and human rights. That body must be strengthened in order that it can play the role that was originally intended for it. It was responsible for the conventional forces in Europe disarmament treaty. Given some strength, it could play a stronger role.

However, like the United Nations itself, the Organization for Security and Cooperation in Europe has been starved of funds, particularly by the major western nations which have not reposed in it a confidence to carry out missions which would prevent war and build conditions for peace.

Perhaps there is no instant answer for Senator Grafstein's question, but Canadians ought to think about what will happen the next time. Will we continually have recourse to military action and bombing to deal with despots and would-be dictators? We must build an architecture which will guarantee peace and security. That architecture is found in the agenda for peace which provided for peacemaking forces. Had we had peacemaking forces for rapid deployment, it would have resolved the issue which Senator Grafstein has raised.

Hon. John B. Stewart: Honourable senators, it seems to me that Senator Roche is dealing with two topics, and I shall pose those two topics, one against the other, in my question.

Just now he has told us, in response to Senator Grafstein, that we should have been building an architecture to deal with the kinds of problems that have emerged in Yugoslavia/Kosovo, and that we should have had a UN peacemaking force at hand to carry out the Kosovo peacekeeping mission. Well, we did not have such a UN force. Probably he is quite right that provision should have been made, but it was not made before the winter of 1998-1999. It seems to me that, in those circumstances, something else had to be done.

By saying that we should have done these things which we did not do earlier, is he saying that we should have done nothing in the winter of 1998-99?

Senator Roche: I thank Senator Stewart for his question. The thrust of my message is that the potential of the United Nations for the resolution of the Kosovo crisis was not exhausted by any means. A myth has taken hold in western society that the Russians and Chinese would have vetoed any resolution put forward. The Russians and Chinese would have voted a resolution for a western military alliance to be the agent for restoring order, but the Russians and Chinese would not have vetoed a resolution which would have mandated the Secretary-General to personally conduct negotiations on behalf of the world community for a diplomatic resolution to the Kosovo crisis which would not be western imposed.

•(1750)

The technical reason for the bombing is to save the Rambouillet agreement. The Rambouillet agreement is dead. We need something new, and the Secretary-General of the United Nations has the capacity. He has been standing by for several days, virtually begging for a mandate to take a stronger role.

The answer to Senator Stewart's very reasonable question is that the full potential of the United Nations to resolve the Kosovo crisis was not exhausted because there was too much of a hurry to use military action.

Senator Stewart: Honourable senators, I thank the honourable senator for that answer. He said that the Secretary-General is standing by impatiently, waiting for a mandate. From whom does he hope to get that mandate, from the Security Council or the General Assembly?

Senator Roche: Honourable senators, it is interesting that Senator Stewart has put both choices in the same sentence. His mandate would have to come from the Security Council, according to the Charter.

However, if we did have an emergency session of the General Assembly, the weight of world opinion might begin to fall on members of the Security Council as to how a diplomatic solution could be found. That is why I and others have been pressing in this chamber, and elsewhere, that an emergency session of the General Assembly be convened immediately, in order to have world attention and world media focused on how to resolve this situation without bombing.

I think, again, that Canada is in an instrumental position to advance that idea.

Hon. Nicholas W. Taylor: Honourable senators, I would also like to ask Senator Roche a question.

Could Senator Roche explain why the U.S.-driven NATO did not want to ask the UN for permission? This is similar to the situation that I experienced when I was a much younger man. Quite often, I did not want to ask my father what time to come home at night. It was better to come home late without having asked him than to come home late after having asked him.

Is there a possibility, honourable senators, that NATO, knowing full well that the Slav people, who are kindred cousins from Moscow through to the Adriatic, would not have stood still for such a physical attack? That is to say, it intended to attack all along, and it intended to avoid negotiations in order to try their industrial machine and to solidify their position? They intentionally ignored the UN. They knew, from President Truman's leadership a generation earlier, that they could bypass vetoes if they had to do so, as they did in Korea, and go to a plenary session of the General Assembly. Is it possible that they had no intention of getting involved with the UN and are deliberately trying not only not to give it funds but to try to torpedo it?

Senator Roche: Honourable senators, I thank Senator Taylor for that question. All I will say in answer to that question in this public arena is that it is a well-established fact that the United States expressed confidence in the United Nations' ability to resolve political disputes. However, their lack of confidence is well known. Their underfunding of the United Nations bespeaks a certain antagonism and hostility by a certain element within the United States — certainly not the American people by any means — which is driving the political decision-making today. It is very unfortunate.

I am reminded of the central dilemma for Canada, namely, are we, in trying to be a supportive ally of the United States — as we have been for so long — to be challenged now in our ability to stand up for international law via the United Nations as a result of the United States' lack of support for the UN. If so, then it puts Canada in a terrible position. The proponents of NATO in our country should start to think about how support for NATO will erode once this question takes hold in the public psyche.

On motion of Senator Andreychuk, debate adjourned.

UNITED NATIONS

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS—RECENT RESPONSES TO QUESTIONS FROM COMMITTEE—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the Responses to the Supplementary Questions emitted by the United Nations Committee on Economic, Social and Cultural Rights on Canada's Third Report on the International Covenant on Economic, Social and Cultural Rights.—(*Honourable Senator LeBreton*)

Hon. Marjory LeBreton: Honourable senators, this inquiry was reaching its last day, so I will be brief on my remarks.

I rise to continue the debate on the inquiry brought forward by Senator Kinsella on November 24, 1998, whereupon he called the attention of the Senate to Canada's compliance with the duties, responsibilities and obligations it accepted when it ratified the International Covenant on Economic, Social and Cultural Rights.

The importance of this debate is self-evident to those involved in the struggle for international human rights. However, I should like to briefly underscore this very important issue for the benefit of honourable senators.

Unlike civil and political rights, social, cultural and economic rights are self-executory. That is to say, they do not require a law passed by Parliament in order to be enjoyed. Neither do they require governments to take any particular actions. Take, for example, the rights to freedom of assembly and expression. No specific action on behalf of government need be taken by Canada in order for those rights to be enjoyed by Canadians. One need not enact any special legislation or initiate any particular program for a person to enjoy freedom of expression. This is what is meant by "self-executory" rights.

In the event that those rights are violated, there are sanctions. On freedom of speech, there are some who believe that there is a limit to which members of the media, such as Terry Milewski, some in the *National Post* and Chantal Hébert, should have that right. That, however, is a topic for another day.

In the case of social rights, there is no such "automatic" enjoyment of rights without the participation of various levels of government. Take, for example, the right to basic education, article 13 of the International Covenant. That right is functionally useless unless schools are constructed, teachers are hired, curricula are approved and children are free to go to school. In order for those rights to be enjoyed by people there must be a commitment by government to provide those avenues.

Other social rights such as Article 10, section 2, which deals with special protection to be accorded to working mothers before, after and during childbirth, just do not happen. By way of example, if a woman is fired from a member of Parliament's office for reasons stemming from her being pregnant, that woman's rights under Article 10 are of no value unless the government takes steps to rectify the problem. Instead of paying lip service to this issue, there must be a firm commitment by government to undertake measures which demonstrate a willingness to recognize particular challenges faced by working mothers. It is clear we must strengthen the way social rights are protected and enforced in Canada.

The United Nations Committee on Economic, Social and Cultural Rights demonstrated that the government is treading in dangerous waters when it comes to protecting the social rights of Canadians when it reported the results of its examination of Canada's third periodic report. It pointed out that Draconian policies such as the dismantling of the Canada Assistance Plan, rising levels of poverty and homelessness among lower income Canadians and excessive payroll taxes are creating new and alarming levels of poverty in this country.

My colleague Senator Cohen's efforts to fight the scourge of poverty is well known in this house and was duly recognized when the Senate unanimously passed Bill S-11, which proposed to add social conditions to the Canadian Human Rights Act as a prohibited ground of discrimination. In fact, Canadians from coast to coast applauded Senator Cohen's urgings that social rights require some mode of implementation and enforcement to have legal force. It is in this same spirit that the Progressive Conservative caucus poverty task force undertook to meet with Canadians in their own communities by going out across the country to conduct hearings.

The cabinet solidarity, supported by a majority of government members and eagerly supported by the Reform Party, defeated Bill S-11. We now know that their commitment to social rights is nil.

●(1800)

When the Minister of Justice failed to throw her support behind this bill, which sought to eliminate discrimination based on the grounds of poverty, it became clear that the government had no moral compass.

It is all the more shocking when we see the minister designated as the minister responsible for the homeless voting against Bill S-11, a complete betrayal of her mandate.

I suppose one of the clearest signs that Canada's enviable human rights track record is being destroyed is the United Nations Human Poverty Index ranking of Canada as tenth among industrialized countries — tenth, honourable senators — despite the fact that our standard of living, quality of life and national wealth are among the highest in the industrial world. This is truly an embarrassment and should have been a warning to the government to begin taking bills such as Senator Cohen's much more seriously.

I invite my colleagues to join in the debate on this very important issue. With the new millennium fast approaching, Canada is reaching a crossroads where the gap between the haves and have-nots in our society is unprecedented and growing. Unless we as parliamentarians pick up the gauntlet of furthering social rights in this country, the only certainty we have for the future is the continued misery of our weakest, poorest and most vulnerable. We must not sit back and let that happen. Otherwise, we are deluding ourselves if we continue with the smug assertion that we are a country of tolerance and fairness.

On motion of Senator Forrestall, debate adjourned.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I think there is agreement on both sides that we will not see the clock.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, I see there is agreement on both sides, but do the independent senators not count? I was about to rise and say that we should not see the clock in order to show that I know a bit about the rules.

Honourable senators, I do not know how this place wants to function. We are talking about Kosovo, and saving the world when we do not even know how to use some of our senators who are willing to work. There are enough senators who do not want to do anything. For once, you have three or four volunteers. I do not understand why you keep postponing and postponing.

Of course, Senator Roche and I will agree not see the clock.

CAPE BRETON DEVELOPMENT CORPORATION

MOTION FOR PRODUCTION OF DOCUMENTS RELEVANT
TO PROPOSED PRIVATIZATION—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins:

That there be laid before this House all documents and records concerning the possible privatization of DEVCO, including:

(a) studies, analyses, reports and other policy initiatives prepared by or for the government;

(b) documents and records that disclose all consultants who have worked on the subject and the terms of reference of the contract for each, its value and whether or not it was tendered;

(c) briefing materials for Ministers, their officials, advisors, consultants and others;

(d) minutes of departmental, inter-departmental and other meetings; and

(e) exchanges between the Department of Natural Resources, the Department of Finance, the Treasury Board, the Privy Council Office and the Office of the Leader of the Government in the Senate.—(Honourable Senator Graham, P.C.)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it is my intention to speak to this particular item. As all colleagues know, there are very serious circumstances surrounding the situation at the Cape Breton Development Corporation, particularly with respect to the difficulties at Phalen mine at the present time with the recent rockfall they are now attempting to clean up. I pay tribute to the workers for their efforts in this respect, as well as to the management.

Given the time of day, I am prepared to give an undertaking that I will speak to this particular matter next Tuesday, and I ask that it continue to stand in my name.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Order Stands.

TRANSPORTATION SAFETY AND SECURITY

SPECIAL COMMITTEE AUTHORIZED
TO EXTEND DATE OF FINAL REPORT

Hon. J. Michael Forrestall, pursuant to notice of April 13, 1999, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, March 25, 1999, the date for the final report of the Special Senate Committee on Transportation Safety and Security be extended to November 30, 1999.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I should like to ask a few questions on this particular motion. However, before I do so, let me thank Senator Forrestall for the work plan he provided for me. It addresses a number of the questions that I wished to put before him.

This is a committee, honourable senators, that started as a subcommittee of the Transport Committee in October of 1996. It filed a report, and then it was reinitiated as a special committee under the chairmanship of Senator Forrestall. It has, quite frankly, addressed a number of very important issues.

The extension of this special committee and the request for that extension is very long. My primary question is, does the Honourable Senator Forrestall believe that this will be the last extension requested by this special committee?

Senator Forrestall: I thank the honourable senator for that question and her observation. My answer is that I certainly hope so. There are a couple of problems, such as prorogation and one or two other things that I might wish to address at a later date with respect to where a matter such as this would stand in a new session. I would not want to go back and repeat what has been done.

May I say that this is the end. We are in a position now to file before the end of June the major component of a bipartisan report dealing specifically with air safety and security. We hope to conclude with the final aspect of our study, which is a little more contentious, in that it is an interprovincial-federal jurisdictional problem dealing with highway safety.

In between, we will deal with this summer and have ready no later than the end of September a report dealing with rail, which, as colleagues will be aware, has been the subject of much study in recent years. As well, we have one or two more hearings with respect to marine safety. We want to let the summer go by and see the impact of recent changes made with respect to recreational Sea-Doos and other vehicles of that nature. If those changes are not working, we will observe how that should be governed with respect to future amendments. We would be in a position to report by mid-November, or perhaps even early November. However, November 30 simply seemed prudent.

I have omitted from this motion the question of further costs. I am not anticipating that question, but in the interests of transparency, this has been an important, long and costly study. We believe that we will require another \$48,000 to \$53,000 in order to finish our work.

•(1810)

We have not yet completed the budget work, but our report will seek an amount in that magnitude from the Internal Economy Committee.

If there are any other questions, I would certainly try to answer them.

Senator Carstairs: I would thank the honourable senator for giving an advance reply to a question I would have asked.

As Senator Forrestall knows, this has been a committee which, in its two incarnations, has cost the Senate approximately \$300,000. I personally believe, on the basis of the interim report which I read from cover to cover, that we got very good value for our money.

Would the honourable senator anticipate whether, of that \$48,000 to \$53,000, a great deal of that amount would be spent in travel, or will most of the witnesses that you anticipate hearing in the latter stages of this study actually come here to Ottawa?

Senator Forrestall: Honourable senators, most of that amount will be for professional services, expertise in confirming some of the recommendations that we have with respect to security in the air, security in airports. You will know that, within our lifetime, we built fences around airports to protect people from walking into the propellers of airplanes. Today, it is the opposite; we build fences to protect the airplanes from the people.

This is a complex world with which we are dealing, and we need technical and professional help. We need help with professional writing. That will be the bulk of the budget. There will be some travel, but quite limited. We are planning to bus the committee to Montreal where we can meet with ICAO. We will meet with some of the unions, such as the airline pilots' union and the flight attendants' union, in order to discuss security and safety in the operation of the aircraft from their point of view.

The balance will be quite routine. The bulk of it, approximately \$37,000 or \$38,000, will be for professional fees covering the period. If we finish early, of course, that will be a prorated amount.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

PRIVATE BILL

ALLIANCE OF MANUFACTURERS AND EXPORTERS CANADA—
MOTION TO REINSTATE TO ORDER PAPER ADOPTED

Hon. James F. Kelleher, pursuant to notice of April 13, 1999, moved:

That, notwithstanding rule 27(3), the Order of the Day for the second reading motion of Bill S-18, respecting the Alliance of Manufacturers & Exporters Canada, a private bill, be now restored to the Order Paper (day one), for the purpose of reviving the Bill.

Hon. James F. Kelleher: I move the motion standing in my name.

Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO RECEIVE BRIEFING ON CANADIAN
BROADCASTING CORPORATION STRATEGIC PLAN

Hon. J. Michael Forrestall, for Senator Bacon, pursuant to notice of April 14, 1999, moved:

That the Standing Senate Committee on Transport and Communications be authorized to hear the Canadian

Broadcasting Corporation in order to receive a briefing on their Strategic Plan.

Motion agreed to.

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, April 20, 1999, at 2 p.m.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 20, 1999, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (1st Session, 36th Parliament)
THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (1st Session, 36th Parliament)
Thursday, April 15, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications	98/04/02	four	98/05/27	98/06/18	20/98
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20	98/06/11	12/98
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16	98/05/12	06/98
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11 Senate agreed to Commons amendments 98/05/06	98/05/12	09/98
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce	98/02/24	one	98/03/19	98/06/11	13/98
S-16	An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	98/05/05	98/05/12	Foreign Affairs	98/05/28	none	98/06/02	98/12/03	33/98
S-21	An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts	98/12/01	98/12/03	Whole	98/12/03	one at 3rd	98/12/03	98/12/10	34/98
S-22	An Act authorizing the United States to pre-clear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health	98/12/01	99/02/11	Foreign Affairs	99/03/24	four			

S-23	An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier	98/12/10	99/02/03	Transport and Communications	99/03/11	none	99/03/16
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**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-3	An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts	98/09/30	98/10/22	Legal and Constitutional Affairs	98/12/08	none	98/12/09	98/12/10	37/98
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18	98/02/26	Agriculture and Forestry	98/05/14	five	98/05/14	98/06/11	17/98
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce	98/02/24	none	98/02/25	98/03/31	01/98
C-6	An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts	98/03/18	98/03/26	Aboriginal Peoples	98/06/09	none	98/06/18	98/06/18	25/98
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-8	An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas	98/03/17	98/03/25	Aboriginal Peoples	98/03/31	none	98/04/01	98/05/12	05/98
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	38/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	Social Affairs, Science & Technology	98/06/04	none	98/06/08	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	Transport and Communications	98/06/10	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	none	97/12/17	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Telelobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	Transport and Communications	98/03/25	none	98/04/29	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs	98/04/02	none	98/04/28	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	Social Affairs, Science & Technology	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/09/24	98/11/17	Banking, Trade and Commerce	98/12/03	none + two at 3rd	98/12/10 Commons amendments referred to Committee 99/02/11	99/03/11	02/99
C-21	An Act to amend the Small Business Loans Act	98/03/19	98/03/25	Banking, Trade and Commerce	99/02/16	concur in Commons amendments	98/03/31	98/03/31	04/98

C-22	An Act to implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04	—	—	—	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97
C-25	An Act to amend the National Defence Act and to make consequential amendments to other Acts	98/06/11	98/06/18	Legal and Constitutional Affairs	98/11/24	one	98/12/01	98/12/10	35/98
C-26	An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act	98/06/08	98/06/16	Agriculture and Forestry	98/06/18	none	98/06/18	98/06/18	22/98
C-28	An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act	98/04/28	98/05/12	Banking, Trade and Commerce	98/06/04	none	98/06/16	98/06/18	19/98
C-29	An Act to establish the Parks Canada Agency and to amend other Acts as a consequence	98/06/03	98/06/15	Energy, the Environment and Natural Resources	98/10/20	none	98/11/19	98/12/03	31/98
C-30	An Act respecting the powers of the Mi'kmaq of Nova Scotia in relation to education	98/06/11	98/06/16	Aboriginal Peoples	98/06/18	none	98/06/18	98/06/18	24/98
C-31	An Act respecting Canada Lands Surveyors	98/05/07	98/05/26	Energy, the Environment and Natural Resources	98/06/09	none	98/06/10	98/06/11	14/98
C-33	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	98/03/18	98/03/25	—	—	—	98/03/26	98/03/31	02/98
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/03/18	98/03/26	—	—	—	98/03/31	98/03/31	03/98
C-35	An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act	98/12/07	99/02/17	Foreign Affairs	99/03/24	none	99/03/25	99/03/25	12/99
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/17	98/06/18	21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04	98/11/18	30/98

C-38	An Act to amend the National Parks Act (creation of Tukituk Nogait National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10	98/12/10	39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/06/09	none	98/06/10	98/06/11	15/98
C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs	99/03/25	none			
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance	99/02/18	none	99/03/02	99/03/11	04/99
C-42	An Act to amend the Tobacco Act	98/12/02	98/12/08	Legal and Constitutional Affairs	98/12/10	none	98/12/10	98/12/10	38/98
C-43	An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence	98/12/08	99/02/10	National Finance	99/03/18	none			
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	28/98
C-46	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	29/98
C-47	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	98/06/11	98/06/16	Banking, Trade and Commerce	98/06/17	none	98/06/18	98/06/18	23/98
C-49	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management	99/03/09	99/04/13	Aboriginal Peoples					
C-51	An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act	98/11/18	98/12/03	Legal and Constitutional Affairs	99/03/04	none	99/03/09	99/03/11	05/99
C-52	An Act to implement the Comprehensive Nuclear Test-Ban Treaty	98/10/20	98/10/28	Foreign Affairs	98/11/18	one	98/11/24	98/12/03	32/98
C-53	An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses	98/11/25	98/12/02	Banking, Trade and Commerce	98/12/08	none	98/12/09	98/12/10	36/98
C-55	An Act respecting advertising services supplied by foreign periodical publishers	99/03/16	99/03/24	Transport and Communications	99/03/25				
C-57	An Act to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence	98/12/07	98/12/10	Legal and Constitutional Affairs	99/02/18	none	99/03/02	99/03/11	03/99
C-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02	99/02/11	Transport and Communications	99/03/17	none	99/03/18	99/03/25	09/99
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce	99/02/16	none	99/02/18	99/03/11	01/99
C-60	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/12/02	98/12/08	—	—	—	98/12/09	98/12/10	40/98

C-61	An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Hallifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof	99/03/16	99/03/18	Social Affairs, Science & Technology	99/03/23	none	99/03/24	99/03/25	10/99
C-65	An Act to amend the Federal-Provincial Fiscal Arrangements Act	99/03/11	99/03/16	National Finance	99/03/23	none	99/03/24	99/03/25	11/99
C-73	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	99/03/17	99/03/23	---	---	---	99/03/24	99/03/25	14/99
C-74	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/03/17	99/03/24	---	---	---	99/03/25	99/03/25	15/99
C-76	An Act to provide for the resumption and continuation of government services	99/03/24	99/03/24	Committee of the Whole 99/03/25	99/03/25	none	99/03/25	99/03/25	13/99

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-208	An Act to amend the Access to Information Act	98/11/17	99/02/11	Social Affairs, Science & Technology	99/03/11	none	99/03/16	99/03/25	16/99
C-220	An Act to amend the Criminal Code and the Copyright Act (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs	98/06/10 adopted	recommend Bill not proceed			
C-410	An Act to change the name of certain electoral districts	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	two	98/06/09	98/06/18	27/98
C-411	An Act to amend the Canada Elections Act	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	none	98/06/09	98/06/11	18/98
C-445	An Act to change the name of the electoral district of Stormont-Dundas	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	07/99
C-464	An Act to change the name of the electoral district of Sackville-Eastern Shore	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	08/99
C-465	An Act to change the name of the electoral district of Argenteuil-Papineau	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/09	99/03/11	06/99

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					

S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology	98/04/30	two	Dropped from Order Paper pursuant to Rule 27(3) 98/10/01
S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03	none	referred back to Committee 98/09/24
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/12/09	one	Motion for 2nd reading negatived in the Commons 99/04/13
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10	98/05/06	Legal and Constitutional Affairs			
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)	98/02/26	98/04/02	Social Affairs, Science & Technology	98/05/14	seven + two at 3rd	Bill withdrawn pursuant to Commons Speaker's Ruling 98/12/02
S-14	An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)	98/03/25	98/03/31	Aboriginal Peoples			
S-15	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	98/04/02	98/06/09	Legal and Constitutional Affairs	98/06/18 Report & Bill withdrawn 98/12/08	four	
S-17	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	98/05/12	98/06/02	Legal and Constitutional Affairs			
S-19	An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestall)	98/06/18					
S-24	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Beaudoin)	99/03/03					
S-26	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/03/10					
S-27	An Act to amend the Canada Elections Act (hours of polling at by-elections) (Sen. Lynch-Staunton)	99/03/16					

PRIVATE BILLS

S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.)	98/06/17 Dropped from Order Paper pursuant to Rule 27(3) 98/11/17	Restored to Order Paper 99/04/15					
S-20	An Act to amend the Act of Incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (Sen. Taylor)	98/09/23	98/10/29	Social Affairs, Science & Technology	98/12/03	three	98/12/09	99/03/25
S-25	An Act respecting the Certified General Accountants Association of Canada (Sen. Kirby)	99/03/04	99/03/23	Banking, Trade and Commerce				

CONTENTS

Thursday, April 15, 1999

PAGE

PAGE

Visitor in the Gallery

The Hon. the Speaker 3036

Senator Graham 3041

SENATORS' STATEMENTS

Montfort Hospital of Ottawa

Senator Gauthier 3036

Prince Edward Island

Tignish—Bicentennial Celebrations. Senator Calbeck 3036

International Assembly of French-Speaking Parliamentarians

Visit by Canadian Delegation to Louisiana.
Senator Losier-Cool 3037

Veterans Affairs

Contributions of the Black Battalion in World War I.
Senator Ruck 3037

QUESTION PERIOD

North Atlantic Treaty Organization

Conflict in Former Yugoslavia—Support for Peace Proposal by
Germany—Government Position. Senator Kinsella 3038
Senator Graham 3038

Foreign Affairs

Conflict in Former Yugoslavia—Involvement of Canada in
Possible Resolutions—Government Position.
Senator Kinsella 3038
Senator Graham 3038

National Defence

NATO Forces in Former Yugoslavia—Deployment of Ground
Troops—Number to be Assigned. Senator Forrestall 3038
Senator Graham 3039

Canadian Heritage

Foreign Publishers Advertising Services Bill—Possibility of
Amendments—Government Position. Senator Oliver 3039
Senator Graham 3039
Foreign Publishers Advertising Services Bill—
Possibility of Quick Passage. Senator Lynch-Staunton 3039
Senator Graham 3040
Status of Discussions with United States Government on
Split-Run Magazines. Senator Tkachuk 3040
Senator Graham 3040

Post-Secondary Education

Millennium Scholarship Fund—Possible Resolution to
Concerns of Quebec Education Community—
Government Position. Senator Rivest 3041

Foreign Affairs

NATO Forces in Former Yugoslavia—
Maintenance of Diplomatic Relations with Russia.
Senator Nolin 3041
Senator Graham 3041
Respect of Arms Embargo by Russians. Senator Nolin 3041
Senator Graham 3042

North Atlantic Treaty Organization

Forthcoming Summit Meeting to Discuss Strategic Concept—
Government Position. Senator Nolin 3042
Senator Graham 3042

Sports

Possible Retirement of Wayne Gretzky—Appointment to
Hall of Fame. Senator Forrestall 3042
Senator Graham 3042

United Nations

NATO Forces in Former Yugoslavia—Representations to
General Assembly to End Conflict—Government Position.
Senator Taylor 3042
Senator Graham 3042

Foreign Affairs

NATO Forces in Former Yugoslavia—Possible Arming of
Kosovo Liberation Army—Government Position.
Senator Andreychuk 3042
Senator Graham 3042

National Defence

NATO Forces in Former Yugoslavia—Briefing of
Parliamentarians—Availability of Ministers.
Senator Kinsella 3043
Senator Graham 3043

United Nations

Air Strikes by NATO Forces in Former Yugoslavia—
Representations to General Assembly to End Conflict—
Government Position. Senator Kinsella 3043
Senator Graham 3043
Air Strikes by NATO Forces in Former Yugoslavia—Possibility
of Emergency Session. Senator Roche 3043
Senator Graham 3043

Visitor in the Gallery

The Hon. the Speaker 3044

Law Day

Senator Beaudoin 3044

ORDERS OF THE DAY

Canada Customs and Revenue Agency Bill (Bill C-43)

Third Reading—Motions in Amendment—Debate Adjourned.	3044
Senator Bolduc	3047
Motion in Amendment. Senator Bolduc	3047
Senator Lynch-Staunton	3047
Senator Carstairs	3047

Extradition Bill (Bill C-40)

Third Reading—Motions in Amendment—Debate Adjourned.	
The Hon. the Speaker	3047
Senator Grafstein	3048
Motions in Amendment. Senator Grafstein	3048
Senator Beaudoin	3048
Senator Lynch-Staunton	3049
Senator Milne	3050
Senator Oliver	3051
Senator Andreychuk	3051
Senator Carstairs	3052

Merchant Navy War Service Recognition Bill (Bill S-19)

Second Reading—Debate Continued. Senator Carstairs	3052
Senator Atkins	3052

Privileges, Standing Rules and Orders

Consideration of Ninth Report of Committee—	
Debate Continued. Senator Robertson	3053
Senator Kinsella	3053

Security and Intelligence

Consideration of Report of Special Committee—Motion in	
Amendment—Debate Continued. Senator Andreychuk	3053
Senator Prud'homme	3056

The Budget 1999

Statement of Minister of Finance—Inquiry—Debate Continued.	
Senator Spivak	3057

Nuclear Weapons

Response of Government to Requests and Recommendations—	
Inquiry—Order Stands. Senator Prud'homme	3059

Election of Canada to United Nations Security Council

Inquiry—Debate Continued. Senator Graham	3059
Senator Prud'homme	3061
Senator Andreychuk	3062

Security in Europe

Inquiry—Debate Continued. Senator Roche	3062
Senator Grafstein	3065
Senator Lynch-Staunton	3065
Senator Stewart	3066
Senator Taylor	3066

United Nations

International Covenant on Economic, Social and Cultural	
Rights—Recent Responses to Questions from Committee—	
Inquiry—Debate Continued. Senator LeBreton	3067

Business of the Senate

Senator Carstairs	3068
Senator Prud'homme	3068

Cape Breton Development Corporation

Motion for Production of Documents Relevant to Proposed	
Privatization—Order Stands. Senator Graham	3068

Transportation Safety and Security

Special Committee Authorized to Extend Date of Final Report.	
Senator Forrestall	3068
Senator Carstairs	3069

Private Bill (Bill S-18)

Alliance of Manufacturers and Exporters Canada—Motion to	
Reinstate to Order Paper Adopted. Senator Kelleher	3069

Transport and Communications

Committee Authorized to Receive Briefing on Canadian	
Broadcasting Corporation Strategic Plan.	
Senator Forrestall	3070

Adjournment

Senator Carstairs	3070
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Progress of Legislation



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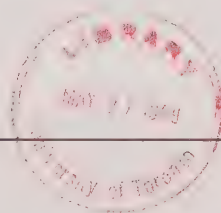
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NUMBER 129

OFFICIAL REPORT
(HANSARD)

Tuesday, April 20, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, April 20, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

MR. WAYNE GRETZKY, O.C.

TRIBUTES ON RETIREMENT FROM NATIONAL HOCKEY LEAGUE

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, one of Canada's all-time great runners, Bruce Kidd, once said that "The rink is a symbol of Canada's vast stretches of water and wilderness, and its extremes of climate. The player is a symbol of our struggle to civilize such a land." He called hockey "the great Canadian metaphor."

For most Canadians, the sound of the first slapshot, the first puck hitting the boards, was and is the first shock of psychic electricity that unites hearts and minds in this country.

High over Times Square in downtown Manhattan looms a gigantic relief of a pale, slender hero with a mischievous grin — a hero from Brantford, Ontario: a prince gazing over this frenetic city of light; a city of dreams, a city that never sleeps.

When Wayne Gretzky skated nobly off into the sunset and took his last bow on Broadway, the curtain descended and the fans at Madison Square Gardens wept. Even for those Americans who cared little for the great sport of hockey, the sight of the Prince of Times Square meant something transcendent, something magical — that special something that permeates consciousness and hearts and minds.

Gretzky was, quite simply, uncannily good. He was uncannily good as a hockey player; he was and is also uncannily good at being a great human being. Someone even went so far as to say that he was a better person than he was a player. Small and slender, he was an artist in a fast and sometimes violent sport. He was cerebral and imaginative, the Picasso of the power play and the Stravinsky of the short-handed situation, as one commentator so aptly put it.

Along the way, he became hockey's leading goal scorer, with a creative vision of the ice which was unparalleled — an ice surface he seemed to float over, knowing at all times where the puck was, and knowing intuitively where all the players would be over the next few seconds.

The ice surface was his personal chessboard; the area behind the opposing goal, his personal office. He dominated that ice surface for 21 years with understated grace and elegance, and

always with class. He was always the most brilliant playmaker of all time.

All of us who love this game understood the significance of the emotion-packed opening face-off at last Thursday night's game at the Corel Centre here in Ottawa, and the historic chance for Canadian fans to say good-bye, which they did with such love and devotion as thundering cheers resonated throughout the building.

•(1410)

As Wayne Gretzky and Alexei Yashin skated away from centre ice, many of us thought of the young Yashin who, as a teenager, had idolized The Great One from afar; the young Yashin who, along with hockey enthusiasts throughout the country, never missed a chance to watch the Canadian genius on skates: the Great Gretzky who captivated their imagination and who took the time, as Yashin recounted, to attend a training camp with Vladislav Tretiak, a man of modesty and selflessness who, in spite of his stardom, to quote Yashin, "was willing to learn hockey from every level because he loves the game so much."

Wayne Gretzky was and is the finest ambassador of the sport for all time. There is another eminent ambassador of three-star quality, our colleague Senator Frank Mahovlich.

Wayne Gretzky was crucial to the expansion of the National Hockey League in the United States. He brought what was essentially a Canadian game to the Sun Belt, to places where it never snows, from Anaheim to Dallas, to Miami and Tampa Bay. The game grew and expanded through the energy and the drive of this passionate emissary.

As we watched the final emotional moments in Madison Square Gardens and the stick-drumming on the ice, we watched a time-honoured ritual of players paying tribute to the quintessential missionary, hockey legend and role model, a sports hero who never lost touch with who he is off the ice. This was and is an accessible man, a generous man, a fair man, a loyal man, a man who showed the same class in losing as he did in winning, and who calls his father his best friend.

Canada's pre-eminent play-by-play broadcaster, my old friend the late Danny Gallivan, once said that the love and respect Gretzky showed for his mother and father were much greater than all the goals he ever scored.

Many thanks to a decent, gracious man, a Canadian who distinguished himself on and off the ice, who loved every part of the game, a game which was and is a unifying principle of a compassionate and free society, a special place whose proudest emissary abroad is a boy from Brantford, Ontario, destined always to be The Great One.

Hon. Francis William Mahovlich: Honourable senators, my career came to an end in 1978, the same year that Wayne Gretzky began his hockey career. However, there were many parallels — and horizontals — in our careers. A few years ago, I was invited to the all-star game in Pittsburgh. In the lobby of the hotel, I ran into Wayne's father, Walter. He said, "Frank, come over here. I want to tell you a story." He said that when Wayne was a little boy of eight, they would watch *Hockey Night in Canada* on TV on Saturday nights with Wayne's grandmother. The advice that Wayne's grandmother gave young Wayne was to watch Frank Mahovlich play.

Hon. Senators: Hear, hear!

Senator Mahovlich: Wayne said, "No, I think I will watch Gordie Howe." I then said to Walter, "Who knows more, an 85-year-old lady or an 8-year-old boy?"

In 1978, honourable senators, I got on my horse and rode into the sunset. The other day, on April 18, 1999, Wayne got into his black Mercedes and off he went.

I ended up with a pin in my knee. Every time I go through security at the airport, the buzzer goes off. The security guard brings out a little stick-like device and waves it up and down my leg. The buzzer of the device then goes off, but the guard does not understand why. To this day, that pin reminds me of my hockey career.

Honourable senators, I wish to commend the wonderful job that the New York Rangers did in honouring a great athlete. One of the great tributes ever made to an athlete happened a few years ago in 1990. A fellow by the name of Rick Barry played basketball for the San Francisco Warriors. That team won the NBA championship a few times. Mr. Barry is in the basketball Hall of Fame. It was in Palm Springs that I had a discussion with Mr. Barry about sports, and he said, "We have a guy over here, Michael Jordan, who will be the next Wayne Gretzky." I thought, what a compliment to both human beings.

When we think about sports in the 1980s, we think about Wayne Gretzky; and in the 1990s, we think about Michael Jordan. I thought that was one of the greatest compliments ever paid to Wayne Gretzky or to Michael Jordan. They complement each other.

JUSTICE

INADEQUACIES OF SYSTEM

Hon. Norman K. Atkins: Honourable senators, during the legislative conference of the Canadian Police Association held in Ottawa a few weeks ago, I met with four representatives of the association from the York Region Police Department. They described to me a slice of Canada that I really did not believe existed — or if I had thought it might exist, I did not believe it existed to the extent that it does.

I was told of a portion of the Borough of North York, in the northern part of Canada's largest city, that mafia-like gangs call home. I was told of a drug trade that completely spans Canada from east to west; a drug trade spurred on by a system of justice

that continues to hand out sentences in relation to drug matters which are light enough to be seen as licences to commit crimes. Criminals in Canada simply view our light sentences, long court delays, easy bail regime and easily accessible parole system as part of the costs and benefits of carrying on criminal activity in Canada.

In addition, the federal government has disbanded the port police. I am not sure how that was allowed to occur without a full debate either in this chamber or in the other place, but it did. Without port police, Canada's long coast lines, with many small and large ports on both sides of the continent, have become prey to those smuggling illegal drugs. The port police knew their ports intimately, and knew what to look for when trying to detect the existence of illegal substances. The police are literally trying to fight crime with both hands tied behind their backs.

What is necessary? We need to look at funding. We need to look at where money designated to protect Canadians is being spent. Is it being spent on a firearms registry system, which we told the government four years ago was ineffective? We were told by Allan Rock that such a system would cost \$80 million. We now find out the cost will exceed \$300 million.

Honourable senators, money must be allocated to put more police on the street, not behind desks. Recent information from one detachment in British Columbia suggests that the RCMP can no longer fulfil its mandate due to a lack of funds, and that Canada is losing many experienced officers as a result.

We need to look closely at our parole system and at our sentencing criteria, especially as both relate to drug offences.

Something else that needs our attention is attempting to protect police officers as they carry out their duties. Several examples given to me dealt with police officers who were involved in a chase. Failure to stop for a police officer when directed to do so should become a criminal offence. Too many people, including police officers, are being injured or killed as a result of accidents caused by people fleeing from police.

Finally, I turn again to the issue of the port police. Canada has become a North American funnel for the importation of illegal drugs. Would the government please reconsider its position on this matter and reconstitute this vitally important part of our security system? Surely it is the government's responsibility to protect our borders from criminal elements. The money that the government thinks it is saving through budget cut-backs will be spent, in the long run, in dealing with the problems that our law enforcement agencies are facing.

HUMAN RIGHTS

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Hon. A. Raynell Andreychuk: Honourable senators, at this time I wish to put on the record a statement with respect to the convention prohibiting and eliminating racial discrimination. Although the issue was, in fact, dealt with earlier in the Senate, time did not permit me to make this statement, so I would like to do so at this time.

In particular, I draw your attention to Article 5 of the Convention on the Elimination of all Forms of Racial Discrimination, which commits signatories to prohibiting and eliminating racial discrimination in the enjoyment of the right to justice, security, political freedom, and fundamental rights. Canada has made important strides in eliminating discrimination in these spheres. Today, Canada has a Constitution which guarantees fundamental rights in such areas as equality before the law, mobility, traditional aboriginal prerogatives and minority languages. We have human rights legislation at the federal, provincial and territorial levels which is designed to protect against discrimination in employment and the provision of services.

Yet, as far as we have come, there is still some distance to cover before the convention's vision of non-discrimination with respect to basic rights is fully realized, and it is encouraging that at least some branches of the government appear to recognize this reality and are ready to take action. We are gratified to note, for example, that the federal Department of Justice has supported the position before the Supreme Court of Canada that racism exists in Canada and, therefore, that courts should consider the possible effects of "institutional racism." Other initiatives include a race awareness program, and cross-cultural training for prosecutors; a program to improve access to the justice system for people who do not read English or French; preparation in a variety of languages, among them dozens of languages spoken by aboriginal peoples; distribution to minority, immigrant and ethnocultural groups of information material in print and audio formats; a plan to fund, in 1998-99, public legal education and information projects to meet the needs of ethnocultural minority communities; and amendments to the Canadian Human Rights Act — which came into force on June 30, 1998 — improving protection against hate propaganda and allowing the Canadian Human Rights Tribunal to order special compensation for the victims named in hate messages, along with penalties against authors of hate messages.

The last development clearly enhances security of the person against violence based on race or ethnicity as called for by Article 5. It is also linked to the initiatives on hate crimes flagged by other colleagues in the Senate.

These positive initiatives notwithstanding, I must reiterate what I said at the outset: Legal, political, and social rights are still not equally enjoyed by all Canadians. Evidence of this was contained in the recent five-year study by the Canadian Bar Association which found that the law profession is rife with racism at every step of the way, from the design of the law school admission test to the appointment of judges to the bench. Minorities are said to be excluded both overtly and subtly.

Therefore there is still plenty of work for the Department of Justice and other federal organizations to do in order to try to correct inequities of these sorts. I commend their efforts to date and encourage their continued elimination of racism and discrimination.

[Translation]

POST-SECONDARY EDUCATION

MILLENNIUM SCHOLARSHIP FOUNDATION

Jean-Claude Rivest: Honourable senators, once again, I would briefly like to make the members of this house aware of the problems facing university students in Quebec with respect to the millennium scholarships. Everyone will remember that this intrusion by the federal government in the field of education was totally inappropriate.

The Liberal Party of Quebec, through its education critic, the MNA for Verdun, Mr. Gauthier, had a resolution passed in the Quebec National Assembly proposing a very promising way to resolve the issue in the dispute, both for the students and the two levels of government.

The initiative by the government, and specifically the Right Honourable Prime Minister Jean Chrétien, in the field of education did nothing to help the cause of federalism in Quebec. We have to defend this cause daily. We must avoid as much as possible constantly feeding the sovereignist discourse in Quebec with this sort of measure.

Again this morning, the Fédération des étudiants universitaires raised this issue. Ridicule must not kill or harm the federal option in Quebec. The Minister of Human Resources Development, Mr. Pettigrew, says he agrees with the terms of the National Assembly resolution, which was passed by both the Parti Québécois and the Liberal Party. At the moment, we are faced with an impediment in a very delicate political matter that, once again, has consequences on the larger debate of Quebec's constitutional future. At issue is the fact that the federal minister is refusing to speak to the Quebec Minister of Education, referring him instead to the president of the Millennium Scholarship Fund. This seems to be the essence of the current dispute.

I would simply like to remind the house that the argument of the federal minister seems rather specious. For some reason I fail to grasp, the federal ministers are refusing to speak to the provincial ministers because there is an agency that looks after a given field. Do the provincial ministers responsible for culture not speak to the Minister of Canadian Heritage because we have a Canada Council? Do the ministers of agriculture of each of the provinces not speak to the Minister of Agriculture because marketing offices or farm credit offices exist?

I would simply ask those close to the federal minister to remind him — I do not think this would be such a huge capitulation — to pick up the telephone and talk to Quebec's Minister of Education, who has been given a mandate by Quebec's National Assembly, by sovereignists and federalists alike, to sort the matter out.

The National Assembly's resolution proposes a way of resolving this dispute. It would be not only in the interest of both levels of government, but also in the interest of Quebec's

students. Unfortunately, the attitude of the federal minister strikes me as completely ridiculous. On behalf of the students of Quebec and the entire educational community of that province, I should ask him to set aside the federal government's pride and try to resolve this problem that requires a very speedy solution because the students of Quebec, just like students from other parts of Canada, cannot manage without the money available to them.

[English]

•(1430)

ROUTINE PROCEEDINGS

PRIVATE BILL

CERTIFIED GENERAL ACCOUNTANTS' ASSOCIATION OF CANADA— REPORT OF COMMITTEE

Hon. Michael Kirby, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, April 20, 1999

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TWENTY-SECOND REPORT

Your committee, to which was referred the Bill S-25, respecting the Certified General Accountants' Association of Canada, has examined the said bill in obedience to its Order of Reference dated Tuesday, March 23, 1999, and now reports the same with the following amendments:

Pages 2 to 3, clause 4:

(a) on page 2, replace lines 15 and 16 with the following:

"to promote the practice, profession and common"; and

(b) on page 3,

(i) replace lines 10 to 12 with the following:

"(g) to encourage and assist certified general accountants to",

(ii) replace lines 21 to 24 with the following:

"general accountants or society generally and to do all such things as are calculated to give the public a greater and more general appreciation of the profession of accountancy;"

Respectfully submitted,

MICHAEL KIRBY
Chairman

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kirby, bill placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, April 21, 1999, at 1:30 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[English]

CANADA ELECTIONS ACT

BILL TO AMEND—FIRST READING

Hon. A. Raynell Andreychuk presented Bill S-28, to amend the Canada Elections Act (hours of polling in Saskatchewan).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Andreychuk, bill placed on the Orders of the Day for second reading Thursday next, April 22, 1999.

YOUNG PEOPLE AND TOBACCO USE

NOTICE OF INQUIRY

Hon. Colin Kenny: Honourable senators, I give notice that on Thursday, April 22, 1999, I will call the attention of the Senate to the issue of youth and smoking.

NATIONAL COUNCIL OF WELFARE

REPORT ON PRESCHOOL CHILDREN—NOTICE OF INQUIRY

Hon. Erminie J. Cohen: Honourable senators, I give notice that on Thursday next, I will call to the attention of the Senate a report by the National Council of Welfare entitled, "Pre-school Children: Promises to Keep."

STATISTICS ACT

RELEASE OF CENSUS INFORMATION— PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present several signatures from Canadians in Grande Prairie, Alberta, who are petitioning the following:

We, the undersigned, being duly registered voters in Canada, do hereby petition the Government of Canada to effect a retroactive amendment to the Statistics Act which would ensure public access to the 1911 census records, and all subsequent census records, through the National Archives of Canada after the accepted 92-year waiting period.

QUESTION PERIOD

FISHERIES AND OCEANS

AQUACULTURE—LIFTING OF BAN ON EXOTIC FERTILE FISH SPECIES—EFFECT ON CONSERVATION—GOVERNMENT POSITION

Hon. Gerald J. Comeau: Honourable senators, I have a question for the Leader of the Government in the Senate.

Is the minister aware that the Minister of Fisheries and Oceans has given approval to lifting the ban on the use of exotic fertile fish species at aquaculture sites on the Canadian East Coast? Has the government given consideration to the environmental impact this might have on the wild Atlantic salmon stock and what it might do to the last viable salmon runs in Atlantic Canada?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am aware of the lifting of the ban. I am sure that matter was taken into consideration. However, I shall bring the concerns of my honourable friend directly to the attention of the Honourable David Anderson, Minister of Fisheries and Oceans.

Senator Comeau: The government continues to boast that conservation of fish stocks is the bedrock of its fisheries policy and yet, by lifting the ban, it is breaking the North Atlantic Salmon Conservation Treaty and, in the process, waiving all promises to follow conservation rules.

I should like the Leader of the Government in the Senate to pass that point on to the Minister of Fisheries as well, and to urge

the minister to cease and desist from using this approach if we wish to continue to be a model for other countries to follow in conservation measures.

Senator Graham: Senator Comeau raises an important point. As a matter of fact, as the chairman of the Standing Senate Committee on Fisheries, he has an excellent opportunity to promote a discussion in his committee on this particular matter. However, in the meantime, I shall bring his concerns to the attention of the Minister of Fisheries and Oceans.

FOREIGN AFFAIRS

WORLD TRADE ORGANIZATION— SUPPORT FOR CHINA'S APPLICATION—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, I should like to ask a question of the Leader of the Government in the Senate about the World Trade Organization and the recent interesting visit concluded by the Premier of China.

It was reported in the newspaper that Canada would be entering into an agreement to formally support China in its application to the WTO. Other reports indicated that it was not a formal agreement but certainly some agreement in principle.

Could the Leader of the Government in the Senate advise us of the actual position of Canada with respect to China's application to the WTO?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, there were indeed discussions between the Premier of China and the Prime Minister of Canada with respect to the WTO. However, no formal agreement was announced. I was not privy to the discussions that took place but I shall attempt to bring forward a more complete answer.

Senator Andreychuk: Honourable senators, I have a supplementary question. On what basis did those discussions take place, and why would we enter into such discussions with respect to one country, China or any other, and go any further than agreeing in principle that it would be a good thing to have as many countries as possible in the WTO?

My point is, are we binding ourselves to supporting China's application and the negotiations, and do we then become guarantors of the action of that country?

Senator Graham: Honourable senators, I am not aware of just how formal were the discussions. Many subjects were raised by both our guest from China and the Prime Minister. However, if it is possible to bring forward more information I shall certainly do so.

WORLD TRADE ORGANIZATION—SUPPORT FOR CHINA'S APPLICATION—EFFECT ON HUMAN RIGHTS ISSUES

Hon. A. Raynell Andreychuk: Honourable senators, as a further supplementary question, were there discussions with respect to human rights issues, particularly those that might affect China's entry into the WTO?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I do not know that the Prime Minister, in any discussions with the Premier of China, would have put conditions on the entry of China into the WTO based on its human rights record. Specifically, I do know that concerns were expressed by the Prime Minister of Canada with respect to human rights generally and human rights policies in China.

Discussions are ongoing, of course. We have established the Joint Committee on Human Rights, and I understand that there have already been several meetings of this group. There will be a further meeting in China this coming fall. We have also activated a plural-lateral symposium involving over 10 countries, and the second round of that group is to be held in China this coming July.

UNITED NATIONS

NATO FORCES IN FORMER YUGOSLAVIA—
STATEMENT BY UNITED NATIONS ASSOCIATION IN CANADA
ON POSSIBLE INITIATIVE—GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, I have a question for the Leader of the Government in the Senate.

A letter dated April 16, 1999, from the United Nations Association in Canada to the Prime Minister of Canada has been released. I believe the leader will agree that this association is one of the most prestigious bodies in our country. The letter was signed by Geoffrey Pearson, its national vice-president.

●(1440)

In the letter, the association noted the action of Canada in dispatching war-planes to the Kosovo crisis is in contrast to the policies followed by every Canadian government since the founding of the United Nations, and also that UN members were revolted by the actions of the Milosevic regime. The association went on to suggest that, taking account of all the circumstances prevailing in this tragic situation, the government should, first, urge NATO to consider a temporary halt in the bombing, and second, recommend a United Nations-centred process of negotiation led by the UN Secretary-General that would seek to assure UN-sponsored protection for the refugees, protection of individual, community and religious rights in Kosovo, and a permanent end to the bombing that is going on in Kosovo and neighbouring states.

What is the response of the Canadian government to this important statement?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, unfortunately, while I have been made aware of the letter, I have not seen it. I will examine it as soon as the Senate adjourns today. Certainly the signature of an eminent former diplomat such as Geoffrey Pearson adds a lot of weight to the representations being made. I believe Senator Roche is a former president of that particular organization.

With respect to the UN-centred initiative, we are aware that the Secretary-General of the United Nations has issued his own

proposal with respect to the bombing. The Secretary-General of the United Nations is also in the process of appointing a special envoy to that particular part of the world.

With respect to a UN-sponsored group to provide protection to refugees, the matter is under discussion, and continual contact is being maintained with countries such as Russia on this particular matter. We would hope that, in such an eventuality, Russia will be very much involved.

NORTH ATLANTIC TREATY ORGANIZATION

FORTHCOMING SUMMIT—STATEMENTS OF GOVERNMENT
ON NUCLEAR POLICY—REQUEST FOR TABLING

Hon. Douglas Roche: Honourable senators, yesterday, the government tabled its official policy on nuclear weapons, a document of some 27 pages and seven accompanying documents. The central point in the government's policy was to request NATO to review the alliance's nuclear policy and its relationship to proliferation, arms control and disarmament developments, which is similar to the motion the Senate sent forward to the government.

I ask the Leader of the Government in the Senate if he would make available to the Senate, at an early date, the statements in this respect that Canada will submit to the NATO summit meeting starting at the end of this week.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, if that information is available, I shall certainly make it available here. This week's summit meeting will be an ideal opportunity for the alliance to agree to examine its nuclear policy in the context of renewing NATO's strategic concept.

By the way, in its report, the standing committee of the other place did not recommend our advocating a no-first-use policy for NATO. Such guarantees can only be offered by nuclear-weapons states or by NATO as a whole. There is no prospect of either doing so at this time.

Let me assure all honourable senators that Canada's priorities are to promote universal adherence to the nuclear non-proliferation treaty, nuclear disarmament, and the complete elimination of nuclear weapons.

FOREIGN AFFAIRS

NATO FORCES IN FORMER YUGOSLAVIA—SUPPORT FOR
KOSOVO LIBERATION ARMY—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate. Yesterday, two of his colleagues claimed that the Kosovo Liberation Army was part of the problem in Kosovo, Yugoslavia.

Is it the position of the Government of Canada that the KLA is a problem and that NATO should neither cooperate with them nor assist them? If that is so, could the minister explain the nature of the problem that gives Canada concern?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, most people who follow this question are concerned with respect to the KLA's involvement in this crisis. I do not know that the Government of Canada has ever said that the KLA is a problem or taken an official position on the KLA.

Senator Forrestall: Honourable senators, a review of the record will show that they did make such statements. Failing to take an official position is drawing a fine line with respect to the issue. However, when ministers of the Crown speak out, Canadians have a right to believe that they are voicing the position of the Government of Canada.

I have two articles from the *Electronic Telegraph*, one from *Jane's Defence Weekly*, talking about NATO's special forces supporting the KLA and the campaign on the ground in Kosovo.

If the KLA are a part of the problem in Kosovo and NATO is assisting them, then what is the government's position vis-à-vis KLA? Are we, in this respect, different from our NATO allies?

Senator Graham: Honourable senators, I am not aware that Canada is providing any particular assistance to, or condoning the actions of, the KLA. Any citizen who watched citizens of their country fight for their own rights and freedoms would have a certain sympathy with respect to the efforts of the KLA.

Senator Forrestall: The leader should check his literature a little more closely.

[Translation]

TREASURY BOARD

CONFLICT IN FORMER YUGOSLAVIA— FUNDING FOR HUMANITARIAN AND MILITARY INITIATIVES— REQUEST FOR INFORMATION

Hon. Fernand Roberge: Honourable senators, the U.S. President has asked Congress to approve the allocation of \$6 billion for continuation of the U.S. military operations against Yugoslavia in the coming weeks. Yet the Canadian Prime Minister and Minister of Defence are not exhibiting the same transparency as there is in the U.S., when it comes to informing the taxpayers of what amounts are invested in this conflict. The Prime Minister, the Minister of Defence or the Minister of Finance still have not made public any list of Canada's expenditures in this conflict. Nor do we know if the money being used for the operations comes from the National Defence budget allocation for 1999-2000 or from a special budget.

With this in mind, can the Honourable Senator Graham tell us which budget the money committed by National Defence to pay for Canadian Armed Forces operations is coming from? Were these expenditures approved by cabinet? What is the total amount spent by Canada since the conflict began?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, any expenditures, whether by the Department of Defence or through CIDA or the Department of Foreign Affairs, are being taken out of the normal budgets of the respective departments. They will be reimbursed from the centre at a later date. With respect to the specific numbers, I am informed that there has been an announcement of an additional \$10 million in humanitarian assistance for the United Nations High Commission for Refugees and other relief agencies.

•(1450)

Canada has committed approximately \$22 million in humanitarian assistance funding since the Kosovo crisis began, and I understand that CIDA is now considering providing an additional \$30 million in assistance, which would bring the total to approximately \$52 million in humanitarian aid.

The costs of our military contribution will accumulate over time. However, on the weekend the Minister of National Defence announced that Canada would send six more CF-18s to the region. I believe that the cost of operating our contingent of 18 CF-18s for six months would be in the order of \$13 million.

The figures I have mentioned do not include the cost of expended munitions. The cost of munitions will depend upon what missions the aircraft fly and how they are used.

[Translation]

Senator Roberge: Can the government leader find out and tell us the total already spent on the military and humanitarian initiatives? What additional expenditures does the government intend to make?

[English]

Senator Graham: Honourable senators, I will repeat the numbers for Senator Roberge. We have announced an additional \$10 million in humanitarian aid to the United Nations High Commission for Refugees and other relief agencies. Prior to that, we had committed \$22 million. I understand that CIDA is contemplating providing an additional \$30 million which, as I mentioned earlier, totals \$52 million.

[Translation]

Senator Roberge: Will the Prime Minister undertake to table in the House, Supplementary Estimates for the participation of Canadian Armed Forces in this conflict? There is no mention of this in the Department of National Defence estimates for 1999-2000.

[English]

Senator Graham: Honourable senators, that will happen over time. The government and, as I understand it, all parties represented in Parliament, support, for the most part, the initiatives that have been taken, particularly those on the

humanitarian front. However, I should be happy to bring forward a more complete report on these expenditures and the actual sources for the funds.

Hon. Pierre Claude Nolin: Honourable senators, could the Leader of the Government in the Senate explain to us how the spending of that money is authorized? Is it authorized by a special committee of the Treasury Board, by a special committee of the cabinet, or by the full cabinet? How does it work?

Senator Graham: Honourable senators, all expenditures are made with the approval of the minister involved in the pertinent department, Treasury Board, and the Prime Minister. As has been stated, all matters are brought before cabinet, including regular reports on the expenditures and the progress being made in that part of the world.

Senator Nolin: Honourable senators, if that money is already in the budget of the Department of National Defence, for example, and they are not seeking any extra funds, why do they have to go to a special committee of cabinet?

Senator Graham: Honourable senators, I did not say that they must go before a special committee of cabinet. I said that they would report on those expenditures to cabinet. It would go through Treasury Board as a matter of process but, eventually, of course, each of the departments will be reimbursed from the so-called centre.

AUDITOR GENERAL

COMMENTS ON UNDERGROUND ECONOMY IN REPORT— GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question for the Leader of the Government in the Senate relates to the report of the Auditor General of Canada and deals with the underground economy.

The tax evasion that results from the underground economy represents an annual loss of \$12 billion to federal and provincial governments; a loss that must be made up by other taxpayers. For the past five years, Revenue Canada has pursued its underground economy initiative and claims to have recovered \$2.5 billion as a result. The Auditor General begs to differ and in his press release says that the number is closer to \$500 million than \$2.5 billion. We are told by the Auditor General that it is difficult to assess the overall success of the initiative to combat the underground economy because the department does not measure and report on the full range of initiative activities and how they have changed taxpayer behaviour.

Could the Leader of the Government in the Senate tell us how it is that the government has no idea of the level of success of an initiative that has been underway for the past five years?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, first, I would like to congratulate the Auditor General and his officials on an excellent report. We look forward to further work. They have pointed out some of the

weaknesses and, at the same time, have applauded some of the successes that have been achieved by various government departments.

With respect to the specifics of the question posed by Senator Oliver, I have not had an opportunity to thoroughly examine the Auditor General's report. I would be happy to do so and bring forward an answer to this important question.

LEGISLATIVE MEASURES TO COMBAT UNDERGROUND ECONOMY—GOVERNMENT POSITION

Hon. Donald H. Oliver: Perhaps the response to my supplementary question will be in the immediate knowledge of Leader of the Government in the Senate.

The Auditor General has suggested a number of legislative initiatives that could have been undertaken to deter tax cheats. They include new rules for reporting transactions to combat money laundering, about which the government has been thinking for some time. They also include the power to tell the taxpayer to refile, reporting the correct level of income, and replacement of the current court-based penalties with administrative penalties.

Beyond possible cash reporting rules, is the government considering any new legislative measures to combat the underground economy?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, without promising that legislation will be introduced before the summer adjournment, I am sure that the government is contemplating measures recommended by the Auditor General.

POSSIBLE TAX REDUCTIONS TO COMBAT UNDERGROUND ECONOMY—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, Canadians are tired of being overtaxed and tired of paying more to governments than they are getting back while they perceive that the money they send the governments is wasted. At the same time, their personal budgets are stretched to the limit. Last year, the personal savings rate was next to nothing, which means that many Canadians are dipping into their savings to pay their bills. It is not hard to see why they are quick to pay cash to get a discount.

Would the government leader not agree that significant tax cuts would also help to combat the underground economy by reducing the incentive to cheat?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I think we all agree that taxes are too high in this country. However, in order to set the proper climate for future tax reductions, the government had to tackle the deficit first, as it has done successfully. As I have said on several occasions, we have eliminated the deficit and brought forward two successive balanced budgets. As a matter of fact, the last one had a surplus of \$3.5 billion. That is in contrast to the \$42-billion deficit we inherited from the previous government.

We have created 1.6 million jobs since 1993 and all of the other economic indicators are positive. I am sure that, at the appropriate time, the Minister of Finance will be introducing additional tax cuts, along with those which he announced in the last two budgets.

•(1500)

ORDERS OF THE DAY

EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Pearson, for the third reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence,

And on the motions in amendment of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., that the Bill be not now read a third time but that it be amended:

1. in clause 44:

(a) by replacing lines 28 and 29 on page 17 with the following:

“circumstances;

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner; or

(c) the request for extradition is made for”; and

(b) by replacing lines 1 to 6 on page 18 with the following:

“(2) Notwithstanding paragraph (1)(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances.”.

2. in Clause 2 and new Part 3:

(a) by substituting the term “general extradition agreement” for “extradition agreement” wherever it appears;

(b) by substituting the term “specific extradition agreement” for “specific agreement” wherever it appears;

(c) in clause 2, on page 2

(i) by adding after line 5 the following:

““extradition” means the delivering up of a person to a state under either a general extradition agreement or a specific extradition agreement.”;

(ii) by deleting lines 6 to 10;

(iii) by replacing line 11 with the following:

“ “extradition partner” means a State”;

(iv) by adding after line 15 the following:

“ “general extradition agreement” means an agreement that is in force, to which Canada is a party and that contains a provision respecting the extradition of persons, other than a specific extradition agreement.

“general surrender agreement” means an agreement in force to which Canada is a party and that contains a provision respecting surrender to an international tribunal, other than a specific extradition agreement.”;

(v) by replacing lines 20 and 21 with the following:

“ “specific extradition agreement” means an agreement referred to in section 10 that is in force.

“specific surrender agreement” means an agreement referred to in section 10, as modified by section 77, that is in force.”;

(vi) by replacing lines 29 to 31 with the following:

“jurisdiction of a State other than Canada; or

(d) a territory.

“surrender partner” means an international tribunal whose name appears in the schedule.

“surrender to an international tribunal” means the delivering up of a person to an international tribunal whose name appears in the schedule.”

(d) on page 32, by adding after line 6 the following:

**"PART 3
SURRENDER TO AN INTERNATIONAL TRIBUNAL"**

77. Sections 4 to 43, 49 to 58 and 60 to 76 apply to this Part, with the exception of paragraph 12(a), subsection 15(2), paragraph 15(3)(c), subsections 29(5), 40(3), 40(4) and paragraph 54(b),

(a) as if the word "extradition" read "surrender to an international tribunal";

(b) as if the term "general extradition agreement" read "general surrender agreement";

(c) as if the term "extradition partner" read "surrender partner";

(d) as if the term "specific extradition agreement" read "specific surrender agreement";

(e) as if the term "State or entity" read "international tribunal";

(f) with the modifications provided for in sections 78 to 82; and

(g) with such other modifications as the circumstances require.

78. For the purposes of this Part, section 9 is deemed to read:

"9. (1) The names of international tribunals that appear in the schedule are designated as surrender partners.

(2) The Minister of Foreign Affairs, with the agreement of the Minister, may, by order, add to or delete from the schedule the names of international tribunals."

79. For the purposes of this Part, subsection 15(1) is deemed to read:

"15. (1) The Minister may, after receiving a request for a surrender to an international tribunal, issue an authority to proceed that authorizes the Attorney General to seek, on behalf of the surrender partner, an order of a court for the committal of the person under section 29."

80. For the purposes of this Part, subsections 29(1) and (2) are deemed to read:

"29. (1) A judge shall order the committal of the person into custody to await surrender if

(a) in the case of a person sought for prosecution, the judge is satisfied that the person is the person sought by the surrender partner; and

(b) in the case of a person sought for the imposition or enforcement of a sentence, the judge is satisfied that the person is the person who was convicted.

(2) The order of committal must contain

(a) the name of the person;

(b) the place at which the person is to be held in custody; and

(c) the name of the surrender partner."

81. For the purposes of this Part, the portion of paragraph 53(a) preceding subparagraph (i) is deemed to read:

"(a) allow the appeal, if it is of the opinion"

82. For the purposes of this Part, paragraph 58(b) is deemed to read:

"(b) describe the offence in respect of which the surrender is requested;" and

(e) by renumbering Part 3 as Part V and sections 77 to 130 as sections 83 to 136; and

(f) by renumbering all cross-references accordingly."

Hon. John G. Bryden: Honourable senators, the other day I rose to speak to this bill as a pinch-hitter for the sponsor of the bill, Senator Fraser, who was off on Senate business that day. However, since she is back this week, she will be addressing the bill at third reading.

I propose this afternoon to confine my comments to the two amendments proposed by Senator Grafstein. The first amendment deals with the fact that Bill C-40 continues the discretion in the Minister of Justice to assess an application for the extradition of someone to another country if one of the penalties for the crime with which that person is accused is the death penalty. I want to emphasize the fact that this bill continues a discretion that is currently in the act, and which has been adjudicated upon on at least two occasions by the Supreme Court of Canada.

The purpose of Senator Grafstein's amendment to clause 44 is to eliminate that discretion in the case of an extradition to face the possible imposition of the death penalty, requiring Canada to refuse extradition in all such cases unless assurances to the contrary are provided. I strongly disagree with this proposition. As it is now drafted, clause 44 preserves the discretion of the Minister of Justice to decide in each particular case whether or not to seek assurances from the requesting state that the death penalty will not be imposed or, if imposed, will not be carried out.

The Supreme Court of Canada in the *Kindler* and *Ng* cases found such a discretion to be constitutional. In these cases, the majority of the Supreme Court of Canada concluded that extradition to jurisdictions where the death penalty is imposed does not offend the fundamental justice provisions of the Canadian Charter of Rights and Freedoms, and does not constitute cruel and unusual punishment by the Canadian government. The court emphasized the strong interest that Canada has in retaining the ability to extradite to jurisdictions, such as various American states, which maintain the death penalty. This comment deals with the legal implications of such an action.

However, there are overriding policy considerations which require that such discretion be granted to the Minister of Justice. This approach has been incorporated into the proposed legislation for very practical and serious reasons. If Canada, by law, is required to seek assurances against the imposition of the death penalty in each and every case, then this country would be identified as a haven for those who seek to avoid the rigours of the law of the state where the offence took place. This would be contrary to the interests of Canada and to the safety of its citizens.

I believe that the proximity of the United States, with which we share a 3,000-mile ungarded border and where the death penalty exists in 26 states, makes this a real and pressing concern. By eliminating ministerial discretion and mandating assurances, we would be giving murderers seeking to escape the death penalty a strong incentive to come to Canada.

We must remember, honourable senators, that if the foreign state refuses to give assurances that the death penalty will not be sought, Canada would have no other choice but to release into our own communities that fugitive accused of the most serious of crimes.

Without trying in any way to be alarmist, I should like to give a couple of examples of what the implications of this proposal could be. In talking to some people over the last couple of days, I have been struck by the fact that they did not quite understand the implications of this amendment.

Therefore, I will use the example of Charles Ng. I will not go into the details of what Charles Ng did to his victims, for I am sure that all honourable senators have read of his gruesome crimes, although they were committed 10 years ago. I will only remind you that he participated in the torture killings of 11 people in California in the mid-1980s before fleeing to Calgary. I will also remind you that he was sought by the United States on 12 counts of murder, three counts of kidnapping, two counts of conspiracy to commit murder, one count of attempted murder and one count of burglary.

When he was found in Calgary, he was carrying a rucksack containing a mask, a knife, a rope, cyanide capsules, a gun and ammunition. We will never know what he wanted to do with these accessories. We will never know if he would have used them in other horrific crimes in Canada. We will never know,

because Charles Ng was finally extradited to the United States where he now faces the possibility of death by lethal injection.

If Senator Grafstein's amendment were included in the bill, it is clearly possible that any future Charles Ng could be roaming the streets of Canada. We must not kid ourselves, for this possibility is a real one, as the amendment would require Canada to seek assurances in all cases that the death penalty would not be imposed. The United States might well refuse to give such an assurance.

What would be our choices, then? We would have none. Since the amendment would remove any discretion that the Minister of Justice presently has, our only possibility would be to release that future Charles Ng into the Canadian community as there would be no grounds upon which we could prosecute him. I am not certain that, with such a gesture, Canadians would find that their safety and interests are well protected.

I want to give just one other example: that of Tim McVeigh, the Oklahoma bomber whose actions resulted in 100 deaths. If he escaped to Canada and if the United States applied for his extradition, Senator Grafstein's amendment would require that the United States not seek or, once having convicted him, not request that the death penalty be imposed. In fact, he has been tried and convicted of these horrendous crimes.

The justice system which convicted him followed a fair judicial process in that regard. A jury within a sovereign state has deliberated and determined that Tim McVeigh should face the penalty of death for his crimes. If he were to escape and come to Canada, under Senator Grafstein's amendment we would have no option but to release him into Canadian society, unless the American state from which he escaped was prepared to say that they would not impose the death penalty upon him.

•(1510)

We live in a real and practical world. I believe that all of us in this chamber supported — and continue to support — the abolition of the death penalty for any reason. All honourable senators would probably advocate that other states and nations follow the same approach as Canada. However, as was mentioned by one of my colleagues, the path for Canada to take in this regard is the same path that it took in relation to the land mines treaty. We must lobby and work through the United Nations. We must work through every possible means to eliminate the death penalty as a sanction in all countries in the world. However, our first requirement is to be in a position to protect the safety and security of our own citizens.

Finally, I wish to address the amendment that deals with the surrender of criminals to international tribunals. The amendments in respect of clause 2 and the new Part 3 in Bill C-40 propose that there be a different process than extradition for the surrender of criminals to the international tribunals investigating events in Rwanda and the former Yugoslavia. That approach is not only unnecessary to meet our Security Council obligations, it is also dangerous. The proposal

to remove a requirement for judicial evaluation of the evidence in support of the request could have the potential for serious problems under the Canadian Charter of Rights and Freedoms.

For example, the Supreme Court of Canada, in upholding the constitutionality of the extradition process, has noted in several cases the importance of the judicial role in extradition. If we were to opt for a different process in this regard, it may well offend constitutional principles. For this reason, given that there is no need to adopt a different process for the surrender to tribunals, it seems imprudent to do so, especially where there are serious concerns about the constitutionality of such an approach.

Despite what may have been suggested during the committee hearings by one group of witnesses, it is clear that Canada's obligation, as mandated by the Security Council, is to take the necessary measures under domestic law to implement the provisions of the Security Council resolution and the statute, including the obligation of states to comply with requests for assistance or orders issued by the tribunals. Thus, if one of the tribunals submits a request for the arrest and surrender of a person in Canada for prosecution, Canada must be in a position to arrest that person and surrender them to the tribunal.

However, I stress that nothing in the Security Council resolution or statute precludes a state from using an extradition process to meet this obligation, nor do they mandate any particular process. While the guidelines developed by the registrar, after the resolution was passed, indicate a preference for a process other than extradition, the guidelines are not obligatory and do not form part of the resolution or the statute. Indeed, this is evidenced by the fact that the United States, a permanent member of the Security Council, which was instrumental in drafting the resolutions, uses an extradition process to surrender criminals to the tribunals.

Our current extradition process is a cumbersome one. If this were the process proposed to extradite to the international criminal tribunals, I could perhaps better understand the motives of Senator Grafstein; however, such is not the case. Two critical features of this bill will facilitate extradition to the tribunals. There are the reduced evidentiary requirements for extradition, and the adoption of a modern, no-list approach to assessing dual criminality.

In other words, the requirement for an offence to be an offence in Canada, as well as in the requesting country, is satisfied under Bill C-40, not on the basis of a comparison of labels or legal definitions, but rather on the basis of a comparison of the actual conduct. To put it squarely, there will not be a need to prove that the crime for which extradition is sought constitutes a war crime or a crime against humanity, as defined in the Canadian criminal law. As long as the conduct would constitute a crime under Canadian law, and irrespective of the label of that crime, extradition can take place.

In regard to evidence, with the adoption of the record of the case there will not be the current requirement of obtaining first person affidavits that might be particularly difficult to obtain

with respect to war crimes and crimes against humanity. Thus, while a court in Canada will still evaluate the sufficiency of the evidence and the dual criminality test in cases involving the tribunals, with the application of these new procedures neither requirement will impose a heavy burden on the tribunals nor unduly impede the effectiveness of the process.

Additionally, these new procedures, while more efficient, also provide judicial safeguards for an accused person who may be a Canadian citizen. We should never forget that a person sought by a tribunal might well be a Canadian citizen. The proposal of the Honourable Senator Grafstein may well strip Canadian citizens wanted by a tribunal of these basic safeguards.

Bill C-40 strikes an appropriate balance in relation to the existing tribunals, since it will put Canada in compliance with its obligations in a manner that affords adequate protection to the person sought while being consistent with Canadian constitutional requirements. For those reasons, honourable senators, I shall be voting against the motions in amendment of the Honourable Senator Grafstein.

Hon. Gérard-A. Beaudoin: Honourable senators, I have a question for Senator Bryden.

In clause 44(1), the minister may refuse to surrender pursuant to proposed subsections (a) and (b). In proposed subsection (2) it states:

The Minister may refuse to make a surrender order if the Minister is satisfied that the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner.

Therefore, there is an obvious discretion.

The amendment proposed by Senators Grafstein and Joyal reads:

Notwithstanding paragraph 1(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances.

Prima facie, that is not a bad amendment, in the sense that the Canadian authorities are satisfied that, in extraditing a person, the person will not be executed, then we will have the better of two worlds in such a case, because we will have abolished the death penalty in our country and we will have contributed to justice elsewhere.

•(1520)

My honourable friend may say that it is a restriction, but why does he oppose that part of the amendment? I understand other parts of it, but that one, *prima facie*, seems reasonable. Perhaps my colleague could elaborate.

Senator Bryden: Honourable senators, my interpretation of the amendment, drafted in its current form, is that it is a more complicated way of setting out the current provisions of the bill. As I read the bill, the minister currently has the discretion to refuse if he or she is not satisfied.

I do not know what the amendment would add if, in fact, subclause (b) is suggesting to simply take away the mandatory requirement in subclause (a).

Senator Beaudoin: Is it not the intent of the bill to give a certain discretion to the Minister of Justice, depending on the circumstances, because the death penalty is the supreme punishment?

I agree with your interpretation of the *Kindler* case, Supreme Court of Canada decision. You are quite right; it is legal. On the other hand, we live close to a country where the death penalty exists in many states. Europe does not have the same problem because in most countries they have abolished the death penalty. By the way, we are criticized by some countries in Europe. At any rate, the geography is there, and the fact is that we are in a very special situation. We abolished the death penalty and many states in the U.S. still have the death penalty. They have their laws and we have our laws.

The amendment states, in part:

(2) Notwithstanding paragraph 1(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed...

I think it is a good thing, unless you come to the conclusion that if it fails, the minister has no discretion at all. In other words, we may try, but if we do not succeed, that is the end of it and the person will be executed.

Is my honourable friend saying that the minister has no more discretion? Is that his reasoning?

Senator Bryden: As I read the amendment, it states that the minister has no discretion if the penalty is death. It is my understanding that in certain U.S. states there is only one penalty for conviction for certain crimes — death. There are no smaller penalties. In that situation, when would the minister be expected to entertain a submission from the applying state that they will not seek the death penalty or impose it? I do not see how it can be operative in that situation.

Senator Beaudoin: Suppose you say, "No, I disagree with the proposed amendment," or "There is no possibility of succeeding." We then turn back to the law as it is proposed. The minister may refuse to make a surrender order if the minister is satisfied. That is quite a discretion. In other words, he may refuse to make a surrender order because it is punishable in an American state by penalty of death. The minister has that power. It is more than just a discretion. That is the way I read it. I do not know how the court will read it. The minister may refuse, if he or she is satisfied that the conduct in respect of which the request for extradition is made is punishable under the laws that apply to

the extradition partner. He may just refuse because there is a death penalty. That is possible.

Senator Bryden: Your interpretation is correct. What would occur with the amendment is that the minister shall refuse, and must refuse. There is no discretion.

Subclause (b) of the amendment reads:

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner;

Prima facie — if I can use that term — if you have those circumstances, the minister shall refuse.

Senator Beaudoin: He may refuse.

Senator Grafstein: He may refuse.

Senator Joyal: He may refuse.

Senator Beaudoin: The word "may" means that it is not mandatory, but that it is permissible. If you read the clause in the bill, it states:

44(1) The Minister shall refuse to make a surrender order if the minister is satisfied...

The minister shall refuse. That is mandatory.

Under this amendment, the minister shall refuse where:

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner;

That is the way clause would read, and that would apply. If you have a death penalty, it is mandatory. If the person is convicted and the only penalty is death, then the minister shall refuse.

•(1530)

My understanding, honourable senators, is that there are two situations: Clearly there is a situation where if the death penalty is present, it cannot be waived. Let us take the Ng case as an example. Mr. Ng was charged, convicted, and then escaped to Canada. There was an application to extradite him and the death penalty was imposed. Under the amendment, one of the provisions reads that the minister shall refuse to entertain the application. However, there is a saving provision stating that, notwithstanding that provision, the minister may make a surrender order where there is an undertaking that the death penalty will not be imposed.

Honourable senators, my problem is that, in a sense, the onus has been reversed. They are saying that, in the ordinary case, if there is a death penalty, no surrender is mandatory. However, even if there is a death penalty, the minister can still exercise discretion if there is an undertaking that the death penalty will not be imposed.

The point is that there are situations in states in the United States and other countries where that is not an option. That request could not be made under the other state's law. The choice left with the Minister of Justice here is that they cannot waive it. There is a death penalty, so we cannot entertain the application. "Welcome to Canada, Mr. Ng."

On motion of Senator Beaudoin, debate adjourned.

THE BUDGET 1999

STATEMENT OF MINISTER OF FINANCE— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 16, 1999.—(*Honourable Senator LeBreton*)

Hon. Marjory LeBreton: Honourable senators, I am pleased to participate today in the debate on the recent budget.

There is an old saying that many of us have heard: "You reap what you sow." Under this government, this saying has taken on a brand new meaning: You reap what others have sown. There is no doubt this government is reaping what was sown by the previous government. The economy is showing strength at the present time, and the books are in balance, thanks in large part to measures initiated by the former Progressive Conservative government under the leadership of Brian Mulroney. Despite their opposition to these measures at the time, I commend the government for revoking their previous positions and embracing these measures and, indeed, expanding on them.

Honourable senators, last fall the Minister of Finance kicked off the pre-budget hearings in the other place with his economic and fiscal update. This document, as might be expected, is filled with page after page telling us about the great economic strides that have been made since 1993. Fair enough. Towards the end, however, we find a little table entitled, "Government Policies to Promote Higher Living Standards."

Honourable senators, some of those policies are, of course, those of the current government, and they are to be recognized as such, although I wonder how the significant cuts experienced by the research community since 1993 can be spun by this government as "support for R&D," but that is a debate for another day.

It struck me as significant that this document also lists several policies that date from the Progressive Conservative government of Brian Mulroney. I was pleased to see that Paul Martin now acknowledges that our policies are responsible for some of the country's economic recovery, especially, as I mentioned moment ago, when many of these same policies were fiercely opposed by the Liberal opposition of the day.

For example, listed under trade policy, we find NAFTA. Let me get this straight: Are Paul Martin and the Liberal government now claiming credit for the NAFTA? Honourable senators, the North American Free Trade Agreement was negotiated by the Progressive Conservative government. Some of us remember fighting an election over its predecessor, the Canada-U.S. Free Trade Agreement. Canadian exports to United States are now 2.5 times greater than they were in 1998.

Also under trade policy, we find "leading player in the WTO." Honourable senators, the negotiations leading up to the WTO were carried out by the former Progressive Conservative government.

Next we read "ongoing efforts to ensure the free flow of goods and services within Canada." Honourable senators, I again remind you that work towards the agreement on internal trade began under the Progressive Conservative government.

Under the heading of "let the market work," we see "partial or full privatization of Air Canada, Petro-Canada, Canadair, De Havilland Canada and CN." Honourable senators, I could not believe my eyes. I thought that I was reading from a list of the 23 privatization initiatives either completed or initiated by the Progressive Conservative government. Perhaps I was.

I suppose that if there had been space to list other policies that let the market work, the Finance Minister would also have taken credit for ending the punitive National Energy Program. Those of us who have been around a few years remember how the NEP devastated the oil patch.

Perhaps he would like to take credit for replacing the Foreign Investment Review Agency with Investment Canada. The Mulroney government took a government agency that was driving investment out of Canada and turned it into one that promoted Canada as a place to invest. As well, he could have mentioned deregulation of the transportation sector.

In this same document, the Liberals list the Harmonized Sales Tax as a tax policy that promotes higher living standards. Honourable senators, let us step back a few years to when the PC government reformed the sales tax system. The old Manufacturers' Sales Tax was a silent, hidden killer of jobs that drove up the costs of our exports while actually giving a tax break to imports. It had become an increasingly unreliable source of revenue as manufacturers found more and more ways to evade it.

Replacing it with the more visible GST certainly took guts. There is no doubt that we took a heavy political hit for it. Canadians, unaware that they were paying a hidden 13 per cent sales tax, balked at a visible 7 per cent tax. We were swallowed into a vortex of personal attacks, misinformation and, indeed, deliberate distortion of the truth.

The Liberals, of course, took direct aim at the GST. They would scrap it, and Canadians so wanted to believe them, and, indeed, they did believe them, as they did a lot of their other

propaganda. Helicopters and Pearson airport come to mind. At least they were going to scrap it, the Liberals said, until the day they were elected. Then they would bury it in the price through a hidden business transfer tax.

Six years later, we still have the GST, and the best they can offer is harmonization in three provinces in Atlantic Canada. The GST is so terrible that they now want the provinces to apply the same kind of tax. Just as former finance ministers Wilson and Mazankowski predicted, it worked. The GST has produced revenues which have greatly contributed to deficit reduction.

To continue with Mr. Martin's document, listed under "fiscal and monetary policies," we see low inflation. Honourable senators, price stability was an achievement of the Mulroney government. The inflation rate when we left office was 1.9 per cent, down from 3.9 per cent when our government was elected. Do you not recall the opposition of the day telling us to stop paying so much attention to inflation? Interest rates often go hand and hand with inflation rates.

When Brian Mulroney was elected Prime Minister on September 4, 1984, he inherited the largest deficit in Canadian history. I mention that only because Senator Graham today kept mentioning the \$42 billion deficit they inherited, when he knows that the largest deficit ever inherited by a government was inherited by the Mulroney government from the Trudeau government.

At that time, the government was paying 12.13 per cent on 91-day Treasury Bills. Nine years later, the rate is down to 4.52 per cent. Honourable senators, can you imagine what the deficit would be today if we were still paying 12 per cent interest on new loans? I am told that an extra \$35 billion in annual debt service costs would be a low-ball estimate.

In the Martin document, "Government Policies to Promote Higher Living Standards," he also cites "federal deficit eliminated" as a policy to promote higher living standards. Good for us.

•(1540)

I agree that eliminating the federal deficit will help raise our standard of living, and we all celebrate this achievement across the country. Indeed, that is why, building upon Don Mazankowski's April 1993 budget, Prime Minister Kim Campbell, upon being sworn into office in June, 1993, set out a five-year plan to balance the books. All they had to do on the other side was follow the plan.

Honourable senators, the average growth rate in program spending in the 15 years leading up to 1984 was 13.8 per cent. We brought that down to an average of only 3.6 per cent over the course of nine years. Our 1993 budget had reduced that even further, to 1.7 per cent.

In 1984, it was the accepted norm, a doctrine of Liberal faith, that government spending rise at double-digit rates year after year. By 1993, when the new Chrétien government was sworn in, this kind of thinking was but a distant memory. Through those double-digit annual spending hikes, the previous Liberal

government had cranked up program spending to the point where it represented 19.4 per cent of gross domestic product in 1984, a level not seen since the Second World War. After nine courageous budgets, program spending was down to 16.8 per cent of GDP in 1993.

Honourable senators, since 1993, the deficit is down by \$42 billion, while revenues have jumped by \$41 billion. I am not a mathematician and you certainly do not need a Ph.D. in economics or advanced mathematics to figure out that the single biggest reason why this government has been able to balance its books is revenue growth. Some of this is due to tax hikes. However, for the most part, it flows from a healthy economy pouring billions of dollars of revenue into the federal treasury.

Honourable senators, as I said at the beginning of my remarks, this government is reaping what the previous government sowed. The policies which have generated that economic growth had their origins in the Mulroney government; free trade, Investment Canada, repeal of the punitive National Energy Program, restraint, privatization, sales tax reform, deregulation, are all policies of the previous government that this government has chosen to keep.

I suppose we should be thankful for that. These very policies are driving the economy today. However, the public and Parliament would be better served by politicians of all political parties if there was some honesty and integrity injected into the debate and credit were given where credit is due.

On motion of Senator DeWare, for Senator Stratton, debate adjourned.

PRIVATIZATION AND LICENSING OF QUOTAS

CONSIDERATION OF REPORT OF FISHERIES COMMITTEE— DEBATE CONTINUED

Leave having been given to revert to Reports of Committees:

On the Order:

Resuming debate on the consideration of the third report of the Standing Senate Committee on Fisheries, entitled: "Privatization and Quota Licensing in Canada's Fisheries," tabled in the Senate on December 8, 1998.—(*Honourable Senator Perrault, P.C.*)

Hon. Michael A. Meighen: Honourable senators, I should like to make one or two brief remarks about the third report of the Standing Senate Committee on Fisheries, which was tabled in this chamber on December 8, 1998, entitled: "Privatization and Quota Licensing in Canada's Fisheries." I should also like to briefly address the minister's response to the major recommendations of our report.

Last year, honourable senators, the committee held a series of public hearings on individual quota fishing licences which, as you all know, are referred to as IQs, ITQs, and EAs. For those of you who do not know what those acronyms represent, I should be glad to tell you what they are later on.

Individual quotas represent a seismic break with the fishing traditions of the past. The so-called process of privatizing Canada's fish stocks began in earnest in the early 1980s with the restructuring of the Atlantic groundfish fishery. Private quotas have since been gradually introduced in other fisheries over successive governments and under successive fisheries ministers and deputy ministers.

Let me, if I may, focus on the committee's first three recommendations. Before doing so, it would be useful to underline the extremely positive reaction to the committee's study.

As a legislative body, honourable senators, our work is measured in part by the way we influence policy decisions, decisions which in our system are primarily made by ministers and their respective departments. Last December, our chairman, Senator Comeau, repeated in this chamber statements made by the Minister of Fisheries and Oceans last October regarding the work of the Senate committee, which are well worth restating. He said:

In the examination that your committee is making, the Senate is very much fulfilling its traditional and extremely important role.

I only wish other ministers of the Crown would show the same leadership by expressing support for the good work of the Senate chamber and its committees.

Senator Butts, in speaking to the report, drew the attention of honourable senators to the praise that was literally heaped upon the Senate by many coastal newspapers as a result of our findings. Many other Canadians were also congratulatory of the work of our committee. For example, Dr. Charles of St. Mary's University said that the committee is certainly dealing with the crucial issues in fisheries across Canada.

The Maritime Fishermen's Union spoke passionately about the Senate report, saying that they can only hope that the Department of Fisheries and Oceans is listening as much as the Senate committee was.

Roy Alexander, of the Tribal Council of Port Alberni, B.C., said the report had heartened many coastal residents in his province who have felt that the resources that have sustained their regions were being alienated by overzealous public servants setting policies without considering the impacts on their communities. He went on to say:

The report is well thought out and, if implemented, will balance economic benefits to all Canadians in coastal communities.

The Honourable Keith Colwell, Minister of Fisheries and Aquaculture of Nova Scotia, supported the findings of the committee and called upon the government to implement the recommendations, in particular by embarking on a full public debate on privatization in the fisheries and by immediately placing a freeze on new individual transferable quotas.

The Senate committee also found support among members in the other place. Mr. Peter Stoffer, the NDP fisheries critic, thanked the committee for producing an excellent report. He said he had spoken with many fishermen who are extremely pleased and feel that someone finally got it right.

Finally, journalist Silver Donald Cameron wrote in *The Sunday Herald* of the usefulness of a Senate — imagine that, honourable senators — and describes the committee report as "a stiff reality check" for the Department of Fisheries and Oceans. He also said, "Bravo, senators," a compliment which we do not often hear, with respect to our call to rein in the department's infatuation with ITQ's by looking more critically at Iceland's and New Zealand's experiences and by considering alternatives that would protect coastal communities and small-scale fishers.

A few months ago Senator Stewart spoke in this chamber about the experience of both Iceland and New Zealand with this matter of ITQs. I urge all honourable senators to review Senator Stewart's remarks on that occasion.

What this all means, honourable senators, is, in the words of Mr. Saunders of the Dalhousie Law School:

The work of the committee is absolutely critical to what the Department is going to be doing for the next several years.

Perhaps what was most striking during our hearings was the number of witnesses who believed that the Senate committee was, perhaps, the only forum capable of studying such a difficult and divisive issue as property-rights-based fisheries. I believe the committee's report is evidence of the unique ability of this place to tackle difficult and politically sensitive issues.

Honourable senators, the committee's first recommendation was that the Government of Canada issue a clear, unequivocal and written public statement as to what individual quotas are and what their role will be in the future fishery.

A fishing permit, we were told by the department, is only a privilege authorizing its holder, at the discretion of the minister, to participate in a given fishery. A private quota, whether assigned to an individual or to a company, is not a grant of property either in the fishery or in the fish and does not privatize the common property fishery resource. Individual quotas are at most quasi-property, or so the committee was informed by the department.

•(1550)

Much of the evidence we heard, however, suggests otherwise. Witnesses testified that the department had been promoting individual quota licences, and ITQs in particular, by telling fishers that, essentially, they would own a share of the fish. We were told that quota holdings can be used as collateral on loans and can be split up in divorce settlements. According to the department, they have a limited time span. Yet, at least one press

release on ITQs issued by the department twice refers to them as being "permanent." They are bought, sold and leased. From the point of view of the people who hold private quotas, they are private property.

A clear, written and unequivocal statement on them is not an unreasonable request, honourable senators, when one considers what is at stake.

As honourable senators know, Canada's commercial fishery generated a production value of some \$4 billion last year. What honourable senators may not know, however, is that individual quota-licensed fishers landed about half of what was caught on both coasts, in terms of value.

The minister's response to the committee's recommendation is that:

...the department will soon be conducting an overall review of policies for Atlantic Canada,...

and that:

...the Department of Fisheries and Oceans will be pleased to issue a public statement on the role of IQs in the fishery of the future once the review is completed.

Second, the department's motives and agenda on partnering or partnerships were also frequently questioned during our hearings. Briefly, proposed amendments to the Fisheries Act in Bill C-62, which died on the Order Paper in the last Parliament back in 1997, would have enabled the minister to enter into these special agreements. Critics of the bill argued that, although not stated explicitly, clauses 17 to 22 of the proposed legislation were meant to extend the process of privatization and to extinguish the common law public right to fish that exists in Canada's tidal waters. In such waters, exclusive fishing rights can be created only by the explicit sanction of Parliament — in other words, by statute.

The committee recommended that the department, first, issue a written statement on what is meant by the terms "legally binding, long-term, multi-year government-industry partnerships or partnering agreements"; second, that it state whether such agreements are meant to extinguish the public right to fish; and third, that it indicate the impediments in the Fisheries Act preventing the minister from entering into such fishing agreements with industry groups.

Last September the minister appointed an independent, three-member panel to advise on the appropriate legislative framework for partnering provisions in a new Fisheries Act. Interestingly, during the course of its inquiry, the panel requested that the department respond in writing on three issues, one of which was the department's policy need for new legislation to pursue partnering. Released two days after the Senate committee tabled its report, the partnering panel report recommended that the minister not go forward at this stage with legislation on partnering.

The third major concern of the committee is that the department has been implementing individual quotas without a public mandate to do so. Small, independent owner-operators who fish competitively believe that individual quotas, especially ITQs that can be sold or leased to others in a fishery, are part of a deliberate plan favouring individual quotas. Their perception is that individual quotas are being imposed on them. Departmental officials, on the other hand, told us that individual quotas were voluntary, that they were only one of a number of management tools, that, although there had not been any debate on them, there had been a great many workshops, and that it was not the department's intention to privatize the fishery.

The minister himself appeared before the committee on April 15 and said that fishermen in traditional fisheries are not forced to adopt IQs and ITQs. However, later on in his presentation, he stated that individual quotas were the department's preferred co-management tool.

On this, the Senate committee recommended that the whole issue be debated in Parliament and that no new individual quota licences be issued until the written public statements on individual quotas and partnership agreements are issued and a parliamentary debate has taken place.

Honourable senators, the findings contained in our report are consistent with those of past reports, namely, that the government must bring about clear, consistent and explicit policy statements.

The fishery has too long been void of vision, and, if you will permit me this comment, may soon be void of fish — indeed, many fisheries are already so — if there is no sense of urgency given to this matter and no common understanding fostered among all stakeholders of what is meant by terms such as "overcapacity," "efficiency," "property," "co-management," and "partnerships."

These recommendations, when adopted by the government, will go a long way towards building a shared understanding.

I therefore urge all senators to support the committee's report.

In closing, honourable senators, I wish to note the undertaking of the minister to return before our committee. At that time, I would expect that members will wish to question him closely on his department's response to our recommendations — a response which, unfortunately, was only received on the morning of April 15, the very day that the minister appeared before the committee.

Hon. John. B. Stewart: Honourable senators, I wish to ask Senator Meighen a question, but before doing so, may I say that, for those of us who come from Atlantic Canada, his attendance at the Fisheries Committee has been most encouraging. His interest, as displayed in his speech this afternoon, gives us all some basis for hope.

My question relates to the minister's appearance before the committee last week. I should like to check my understanding of what the minister said at that time against Senator Meighen's understanding of what he said.

Our argument was that the way the Department of Fisheries and Oceans is handling some of the fisheries is having a highly deleterious impact upon coastal communities. If I understood the minister correctly, and this is where I need Senator Meighen's help, in effect he said, "The mandate of our department relates to the efficient operation of the fisheries. We have no mandate to deal with the community consequences of what we do. That belongs, perhaps, to the Department of Human Resources Development." To put the worst interpretation on it, he was saying, "We will do whatever we think is most efficient for the fisheries, that is to say, to put a large quantities of fish on the market at a good price, and then some other department of government can come along and try to correct the damage that our policy has inflicted on the fishing communities."

I do not mention provincial governments, which have tended to overcapitalize the fishery by lending to fisherpersons who wish to build bigger and better boats.

Am I wrong in what I think the minister said, or at least the implications of what minister said? Can the honourable senator help me?

Senator Meighen: Honourable senators, I am frantically flipping through the text of the minister's statement. I read it earlier and my recollection is in accordance with Honourable Senator Stewart's. I believe Senator Roberston raised that matter with the minister. I would not want to use as strong an expression as that he "washed his hands" of those problems, but he clearly did not think that it fell within his mandate to be concerned about the social fabric of the coastal communities. His mandate was to worry about the fish and those who fish for them when they are on the seas. However, I do not think the minister was prepared to take any responsibility for the community at all.

One could certainly be sympathetic in recognizing that it would be a broad mandate if one were to lump the two responsibilities together, but surely none of us would want any minister who is implementing a policy to say, "This is what I am going to do and to heck with the consequences." Surely it is not above us as parliamentarians to come together with those with a primary responsibility in another area and work together.

•(1600)

Senator Stewart: I have another short supplementary question. If, indeed, the position of the minister is as I understood it to be and that position is based on the law, then is it not to be concluded that the assignment of responsibility ought to be changed by the Government of Canada? If the focus of the minister and his department were not so narrowly concentrated on the efficiency of the fishery, things might be better. The minister could take a more inclusive view of the impact of the fishery on people as well as on fish. Indeed, we should try to involve the provincial governments in working out some overall approach to this serious problem.

Senator Meighen: I would agree with Senator Stewart. The responsibility lies with the government and the Parliament of Canada to initiate that process. Perhaps, in our committee, we could consider the matter of expanding the mandate of the

Minister of Fisheries and Oceans so that it is no longer limited to those who swim and those who sail but also includes those who stay at home.

On motion of Senator Fernand Robichaud, debate adjourned.

CAPE BRETON DEVELOPMENT CORPORATION

MOTION FOR PRODUCTION OF DOCUMENTS RELEVANT TO PROPOSED PRIVATIZATION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins:

That there be laid before this House all documents and records concerning the possible privatization of DEVCO, including:

(a) studies, analyses, reports and other policy initiatives prepared by or for the government;

(b) documents and records that disclose all consultants who have worked on the subject and the terms of reference of the contract for each, its value and whether or not it was tendered;

(c) briefing materials for Ministers, their officials, advisors, consultants and others;

(d) minutes of departmental, inter-departmental and other meetings; and

(e) exchanges between the Department of Natural Resources, the Department of Finance, the Treasury Board, the Privy Council Office and the Office of the Leader of the Government in the Senate.—(Honourable Senator Graham, P.C.)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, on February 11, 1999, Senator Murray moved a motion for the production of documents related to the possible privatization of Devco. In his remarks, he described how he had also filed under the Access to Information Act for similar information, though neither the motion now before us nor the original Access to Information request specified any dates.

I understand that Senator Murray is seeking only recent documentation and certainly not the papers produced during the term of government of which he was a distinguished member, or documents from an even earlier period.

In any event, I understand that the information that has been requested under the Access to Information Act has now largely been provided to Senator Murray. Whether it is sufficient for his purposes is another question. However, as he himself stated while speaking to this motion, he has the right to appeal to the Information Commissioner and will consider doing so after receiving the responses from all departments concerned.

Before turning to the motion itself, I would like to comment on the results of Senator Murray's access to information request. I do not think I am breaking any confidences in doing so because Senator Murray clearly placed on the record the fact of his request and its nature. He also described in his remarks a related request he had made under Access to Information Act for polling data on Devco and his satisfaction at the fulsomeness and timeliness of the response. It is in this vein that I am proceeding.

In response to his access to information request, Senator Murray has already been provided with documents from the Department of Natural Resources. He has also received, or is about to receive momentarily, material from the Department of Finance and Treasury Board. These are documents which I would have been pleased to table in the Senate myself in response to the motion which is now before us.

As one would expect, some government departments were in possession of more documentation than others, but the documents released include a number of briefing notes from the Minister of Natural Resources; a strategic environmental assessment of the Cape Breton Development Corporation; and various other papers. All that has been provided is all that the government is in a position to release.

At the conclusion of his remarks on February 11, 1999, Senator Murray stated that the government had no objection to this motion going forward. That was indeed the case when he gave notice of his motion, and it was based on what we considered were the accepted limitations for such motions as provided for in the authorities.

Beauchesne's Parliamentary Rules & Forms, 6th Edition, citation 446 at pages 129 and 130 makes clear that, since 1973, governments have taken the position that motions such as this one for the production of papers should be limited or guided by roughly the same exemptions that are contained in the Access to Information Act.

Furthermore, citation 447, which is on page 131, provides that:

Any determination of what constitutes "confidential documents" is not a matter for the Speaker to determine. It is up to the government to determine whether any "letters, papers, and studies" are of a confidential nature when deciding how to respond to a Notice of Motion for the Production of Papers.

In his remarks of February 11, Senator Murray put forward the proposition that this is not necessarily so. This is where we must, unfortunately, part company.

In his speech, Senator Murray stated:

We parliamentarians, members of the Senate or House of Commons, are not at all restricted, I believe, by the exemptions that are available to the government under the Access to Information Act. I am aware that there are various conventions that apply to what governments may table in Parliament, but they are not nearly as broad as the

exemptions that are available to the government under the Access to Information Act.

Though Senator Murray apparently recognizes that there are conventions that have and should be followed in such cases, he believes that the limitations imposed by such conventions are significantly and substantively different from those contained in the act.

As I have already explained, Beauchesne makes clear that governments of all stripes have not shared this view. It is for this reason that we cannot support this motion.

This is not the first time that the relationship between the executive and Parliament on the issue of the production of documents has been placed into question. Recently, our own Standing Senate Committee on Agriculture and Forestry grappled with this matter on the legislation dealing with the bovine growth hormone known as rBST.

In its report tabled last month, the committee urged:

...the Clerk of the Senate, with the Clerk of the House of Commons, to review the issue of parliamentary committee access to documentation, both generally and with respect to departmental provision of the documentation needed for committees to do their work effectively and efficiently.

Earlier, our 1995 Special Committee on the Pearson Airport Agreements devoted a great deal of its attention and time to this particular issue. Members on both sides quite freely expressed their frustration though, nevertheless accepting, at least in practice, the limitations imposed by the Access to Information Act.

In his introduction to the majority report, the chairman of the committee, our former colleague the Honourable Senator Finlay MacDonald, wrote:

In the end, we are satisfied that all essential parts of the record have been produced and subject to public scrutiny.

Even many years later, in an article that he had published in the *Canadian Parliamentary Review*, Volume 20[4], 1997-1998, Senator MacDonald was still clearly irritated about the way the document issue was handled.

•(1610)

Clearly, this is an issue of long standing which must be dealt with. However, I am not convinced that we should or can do so by simply adopting this motion in the belief that the government must now produce everything it has in its files on Devco. That is certainly not what has occurred in the past with respect to such motions.

For instance, on April 22, 1986, the Senate adopted a motion on the initiative of our former colleague the late Senator Earl Hastings, ordering that certain documents relating to Corrections Canada operations in Alberta be tabled. According to the *Journals of the Senate*, nothing was ever tabled by the government.

The result was the same in 1987 when, on June 26, our current Speaker, Senator Molgat, moved and had adopted four separate motions for the production of documents relating to equalization and other financial matters between the federal government and certain provinces. Although the session continued for more than another year, according to the *Journals of the Senate*, the documents were never tabled.

In light of these precedents, in view of the difficulties faced by the Special Committee on the Pearson Airport Agreements, and given the more recent experience of our Committee on Agriculture and Forestry, I believe it would be entirely appropriate to have this issue examined in some detail, perhaps in conjunction with the House of Commons, but that is something for the Senate itself to decide upon.

In the meantime, I do not want to leave the impression that, in opposing this motion, the government wishes to systematically withhold information that Senator Murray has been seeking. I have already described the documents that have been provided pursuant to his access to information request. It is also my understanding that officials from the Department of Natural Resources are more than prepared to meet with Senator Murray to discuss the matter in even more detail. However, there are conventions and practices with respect to the production of documents that have been followed for a great many years. They have evolved, and they have been applied because they do go to the heart of the relationship between Parliament and the executive.

As a former cabinet minister and a former Government Leader in the Senate, Senator Murray is well aware of and appreciates the necessity for exemptions based on grounds such as cabinet confidentiality, solicitor-client privilege, and ministerial advice.

For instance, on December 21, 1989, Senator Murray, as the then government leader, following a request by Senator Fairbairn, a future, and now unfortunately former government leader, declined to table a legal opinion from the Department of Justice concerning the constitutionality of an election held by the Government of Alberta to fill a Senate vacancy. Senator Murray said at that time:

I believe that I am supported by ample precedents when it comes to declining to table a legal opinion from the Department of Justice.

That is found on page 998 of the *Debates of the Senate* of the day.

Not only was Senator Murray supported by ample precedents, but he added to that body of precedents his own actions while government leader.

In conclusion, honourable senators, since there is a clear and significant difference of opinion about the impact of this motion, we cannot support it. We cannot support the interpretation being placed on it by Senator Murray, and I am confident that he himself would not have found favour with that interpretation had it been put forward during the life of the previous administration.

I wish to give my personal assurances to Senator Murray and to all honourable senators that whatever can be released with respect to the privatization of Devco has been or will be released. Our opposition to this motion is not based so much on the wish to protect information as it is on the wish to protect the traditions and conventions that have evolved in Parliament since the time of Confederation.

On motion of Senator DeWare, for Senator Murray, debate adjourned.

PRIVATE BILL

ALLIANCE OF MANUFACTURERS & EXPORTERS CANADA— SECOND READING

Leave having been given to revert to Private Bills:

Hon. James F. Kelleher moved the second reading of Bill S-18, respecting the Alliance of Manufacturers & Exporters Canada.

He said: Honourable senators, I thank you for your indulgence. I should like to advise the Senate of the contents of this bill. It is a very simple bill.

The Alliance of Manufacturers & Exporters Canada wish to amend the federal act incorporating the Canadian Manufacturers Association. The Alliance of Manufacturers & Exporters Canada is the result of a merger between the CMA and the Canadian Exporters Association, whereby the CEA agreed to transfer its assets to the CMA. As part of this agreement, it was agreed that the CMA would change its name to better reflect the new mandate of the association which now provides support to its members in the areas of manufacturing and exporting.

The CMA was apparently incorporated by a special act of Parliament in 1902. The CMA is one of the senior business associations in Canada and has played a historic and significant role in the evolution of the business environment of Canada. As such, it was decided that the merger of the CMA with the CEA should be effected so as to preserve the CMA's historic legislation. However, since the statute incorporating the CMA of 1902 does not provide a means for the organization to change its name, it is necessary to obtain passage of a private member's bill through Parliament to rename the association.

In addition, since it is necessary to go through this process at this time, the association felt that it was an opportune time to amend the provisions of the act which limits the powers of the association in administering its affairs relating to real estate.

That particular section of the act reads:

6. The Association may —

- (e) purchase or acquire real property, and mortgage, lease, sell or otherwise alienate the same, provided that the value of such property held by the Association at any one time shall not exceed fifty thousand dollars.

The reason for that section being in the act in 1902 is that, at that time, the ability of a private corporation to hold property and deal with it was severely restricted. However, that particular section no longer applies because the Ontario government passed the Mortmain and Charitable Uses Act in 1982, which repealed any restrictions on private corporations holding or dealing with lands. Therefore, section 6(e) no longer serves the purposes of the corporation and it limits it in its operations.

The purpose of the bill is, first, to cover a change of name of the association and, second, to provide for the deletion of a section permitting the association to hold property.

•(1620)

I am available for any questions which any honourable senator may have with respect to this very important bill.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kelleher, bill referred to Standing Senate Committee on Banking, Trade and Commerce.

INCOME TAX ACT

INCREASE IN FOREIGN PROPERTY COMPONENT
OF DEFERRED INCOME PLANS—MOTION PROPOSING
AN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion as modified of the Honourable Senator Meighen, seconded by the Honourable Senator Kirby:

That the Senate urges the Government to propose an amendment to the *Income Tax Act* that would increase to 30 per cent, by increments of 2 per cent per year over a five-year period, the foreign property component of deferred income plans (pension plans, registered retirement savings plans and registered pension plans), as was done in the period between 1990 to 1995 when the foreign property limit of deferred income plans was increased from 10 per cent to 20 per cent, because:

(a) Canadians should be permitted to take advantage of potentially better investment returns in other markets, thereby increasing the value of their financial assets held for retirement, reducing the amount of income supplement that Canadians may need from government sources, and increasing government tax revenues from retirement income;

(b) Canadians should have more flexibility when investing their retirement savings, while reducing the risk of those investments through diversification;

(c) greater access to the world equity market would allow Canadians to participate in both higher growth economies and industry sectors;

(d) the current 20 per cent limit has become artificial since both individuals with significant resources and pension plans with significant resources can by-pass the current limit through the use of, for example, strategic investment decisions and derivative products; and

(e) problems of liquidity for pension fund managers, who now find they must take substantial positions in a single company to meet the 80 per cent Canadian holdings requirement, would be reduced.—(Honourable Senator Eyton).

Hon. J. Trevor Eyton: Honourable senators, I rise today to speak to the motion put forward by my colleague Senator Meighen and seconded by Senator Kirby, which urges the government to increase the foreign property component of deferred income plans from the present 20 per cent to 30 per cent over a five-year period.

I support this motion because I believe it is in the interest of the many Canadians presently saving for retirement, either through company pension plans or RRSPs. Both are affected by the limits imposed by Canada's foreign property rule, or the FPR.

In passing, I might note it is a myth that only rich people are RRSP holders. The fact is, of the 5.2 million Canadians who hold RRSPs, over one-half earn less than \$40,000 per year.

There are many arguments I could cite in favour of changing the FPR in Canada. However, in the interests of brevity, I will mention only a few.

The first is the need to provide financial security for people entering retirement. As we are all aware, the number of people retiring in Canada is growing steadily. This number will increase at an ever-greater rate as the so-called "baby boomer" generation starts to leave the workforce. Governments will be hard pressed to provide for all the needs of this important sector of our society.

Realizing this, a growing number of Canadians have begun turning to savings vehicles, such as RRSPs, making private savings an essential component of their retirement income planning. Their goal is simple. It is to ensure that they have enough income to allow them to maintain their present lifestyle throughout their retirement years.

Obviously, the returns these people receive on their investments will largely dictate whether or not they achieve their goal. Increasing the permissible foreign property component will have two main and positive effects on retirement funds.

First, it will lower investment risk. Presently, the Canadian equities market, which accounts for a mere 2.4 per cent of global stock capitalization, is heavily oriented toward natural resource companies. Such a concentration of investment increases risk. Giving Canadians the opportunity to invest in the other 97.6 per cent of the world equities market situated outside Canada will decrease this risk. At the same time, it will offer them the twin benefits of greater diversification and more long-term planning. It will also help protect them against periodic downturns in individual markets.

The other positive effect of increasing or eliminating the FPR is the possibility for higher investment returns. According to the Morgan Stanley Capital International World Index which, by the way, is fully adjusted for foreign exchange fluctuations, if Canadian investors had been allowed a 30 per cent foreign content limit during the past 25 years, they could have earned between 82 and 152 more basis points per year on their retirement savings portfolios. At 152 basis points, this translates into approximately 1.5 per cent.

For an average investor contributing, for example, \$5,000 per year to his or her RRSP or pension plan, even a 50-basis point difference over 25 years would amount to an additional \$32,000 at retirement. At 150 basis points, we are talking about something in the order of \$64,000 in additional funds at retirement.

The second reason we need to change the FPR is market congestion. In 1988, total mutual fund assets stood at a tiny \$20 billion. By the end of 1997, they had skyrocketed to over \$270 billion. That is about a 500 per cent increase. Assets under management have increased by 49 per cent in the last 12 months alone. Not surprisingly, it is becoming increasingly difficult to find appropriate places to invest these funds within Canada.

This challenge will become even more complicated when the Canada Pension Plan, which will also be subject to the FPR, begins investing its massive funds into the same market.

Allowing retirement funds to increase their foreign content will help relieve this congestion and provide a host of new opportunities for Canadian investors to put their money where they think it will benefit them the most.

This, of course, leads me to the third reason for changing the FPR. It is economic efficiency. Simply put, the FPR prevents Canadians from maximizing investment returns. In turn, this reduces their ability to purchase goods and services. Moreover, forgone returns caused by the FPR drive up the costs of pension benefits for Canadian employers who offer the most common type of pension plans called "defined benefit plans." This reduces their competitiveness which, in turn, costs jobs.

The FPR has also provoked Canadians into using derivative products — Canadian securities whose underlying value is based on a foreign stock index — to reap the benefits of greater diversification in foreign markets while staying under the 20 per cent threshold. As derivatives have to be rolled over at

considerable cost over the long term, it would be more efficient simply to offer investors the choice of investing in foreign markets directly.

I would conclude my remarks by noting that the communications revolution we have been experiencing this past decade is showing no signs of slowing down. This revolution has brought an exponential growth in opportunities to Canadians to invest safely abroad. Rather than hinder or ignore these opportunities, we should be encouraging people to profit from them. We can do this by increasing the foreign property limits permitted in deferred income plans or, like the United States, the United Kingdom and Australia, we could have no limits on the amount of foreign investment allowed.

This last option would be my personal preference; however, for now, I join Senators Meighen and Kirby in urging the government to increase the foreign property component of deferred income plans from the present 20 per cent to 30 per cent over a five-year period.

On motion of Senator Lynch-Staunton, debate adjourned.

SEXUAL ASSAULT

RECENT DECISION OF SUPREME COURT OF CANADA—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate:

(a) to the judgment of the Supreme Court of Canada in the sexual assault case *Her Majesty the Queen v. Steve Brian Ewanchuk*, delivered February 25, 1999, which judgment reversed the Alberta Court of Appeal's judgment upholding the trial court's acquittal;

(b) to the intervenors in this case, being the Attorney General of Canada, Women's Legal Education and Action Fund, Disabled Women's Network Canada and Sexual Assault Centre of Edmonton;

(c) to the Supreme Court of Canada's substitution of a conviction for the acquittals of two Alberta courts;

(d) to the lengthy concurring reasons for judgment by Supreme Court of Canada Madame Justice Claire L'Heureux-Dubé, which reasons condemn the decision-making of Mr. Justice John Wesley McClung of the Alberta Court of Appeal and the decision of the majority of the Alberta Court of Appeal;

(e) to Mr. Justice John Wesley McClung's letter published in the *National Post* on February 26, 1999, reacting to Madame Justice L'Heureux-Dubé's statements about him contained in her concurring reasons for judgement;

(f) to the nation-wide, extensive commentary and public discussion on the matter; and

(g) to the issues of judicial activism and judicial independence in Canada today.—(Honourable Senator Nolin).

Hon. Lucie Pépin: Honourable senators, the Canadian Judicial Council announced recently that it has found no evidence of judicial misconduct by Madam Justice Claire L'Heureux-Dubé in her decision in the case of the *Her Majesty the Queen v. Steve Brian Ewanchuk*.

This decision will no doubt be seen, in certain circles, as further proof that Canada's judiciary has been overrun by feminists. I do not know how to counter this form of paranoia, other than to encourage those afflicted to step into the 21st century and to examine carefully the relevance and fairness of the stereotypes they harbour about gender relations in our society.

Despite the important media coverage given this case last March, it raised several questions that I feel are important enough to warrant revisiting. The first is whether sexual assault should be condoned in Canada. Do all Canadians benefit from the right to personal privacy and physical integrity or do they not? According to the decision handed down by the Alberta's Court of Appeal, they do not.

•(1630)

The Court of Appeal ruling seemed to suggest that our society condones sexual assault in certain circumstances — in circumstances where men are overcome by hormonal urges, and very young women may be seen to welcome sexual advances because of supposedly inappropriate behaviour or dress. Despite the victim repeatedly saying "no," the advances of Mr. Ewanchuk were considered permissible because the victim was wearing shorts, and did not come to the interview in "a bonnet and crinolines."

This ruling raised old and tired stereotypes about relations between men and women — destructive stereotypes of the wily, female temptress and the hapless, hormonal male that were long ago discarded in Canada as unacceptable and unfair.

The second question that the case raised is how a unanimous decision of all judges of the Supreme Court can possibly be transformed into a feminist conspiracy to overtake the judiciary. Honourable senators, I would be quite happy to see the Supreme Court overrun by feminists. Sadly, this is not presently the case. While the Canadian judiciary has come a long way in responding more fairly to women's issues, there is still a long way to go. Evidence the fact that only two out of nine Supreme Court justices, and only a small proportion of Canada's other federal judges, are women.

It has been suggested that the feminist movement is intimidating judges and endangering the independence of Canada's judiciary. I find it difficult to imagine the feminist

movement intimidating the judiciary. Instead, I would suggest that the Supreme Court's ruling is the result of an independent judiciary handing down a decision reflective of the majority of Canadians' views on the subject. The majority of Canadians agree that sexual assault is a serious crime that is not condoned in our society, that no means no, and that an adult male should be capable of controlling his hormonal urges in the face of a 17-year-old girl, regardless of how she is dressed, or with whom she is living.

Honourable senators, Senator Cools explained to this chamber that the real issue at the heart of this case was the injury and insult suffered by Justice John McClung at the hands of a Supreme Court Justice. Where could Justice McClung go for unbiased judicial review and reparation, she asked.

However, honourable senators, where was the insult and injury to Justice McClung in Justice L'Heureux-Dubé's observations? All Justice L'Heureux-Dubé did, with courtesy and restraint, was to make it plain that the archaic stereotypes proposed by Justice McClung to explain Mr. Ewanchuk's assault were both inappropriate and unacceptable. I quote from Justice L'Heureux-Dubé's observations in her decision:

In the Court of Appeal, McClung, J.A., compounded the error made by the trial judge. At the outset of his opinion, he stated "...that it must be pointed out that the complainant did not present herself to Ewanchuk or enter his trailer in a bonnet and crinolines... that she was the mother of a six-month-old baby, and that, along with her boyfriend, she shared an apartment with another couple."

Even though McClung, J.A., asserted that he had no intention of denigrating the complainant, one might wonder why he felt it necessary to point out these aspects of the trial record. Could it be to express that the complainant is not a virgin? Or that she is a person of questionable moral character because she is not married and lives with her boyfriend and another couple? These comments made by an appellate court judge help reinforce the myth that under such circumstances, either the complainant is less worthy of belief, she invited the sexual assault, or her sexual experience signals probable consent to further sexual activity. Based on those attributed assumptions, the implication is that if the complainant articulates her lack of consent by saying "no," she really does not mean it, and even if she does, her refusal cannot be taken as seriously as if she were a good girl of moral character.

I do not understand, honourable senators, how one can possibly characterize these observations as insulting. With all due respect to my honourable colleague, I fail to see that Justice McClung is a victim in this case.

As such, I should like to rephrase in a new way Senator Cools' all-important question lying at the heart of this case. My version of the question is as follows: Where can a young victim of sexual assault go for redress and reparation when her dignity has been

insulted and her emotional pain dismissed publicly, in a court of law, as a result of unfair and destructive stereotyping? To this question I have an answer. Thankfully, in this instance our young victim can rely on Canada's judicial system to consider her plight and deal with the issues raised both wisely and honourably.

Some Hon. Senators: Hear, hear!

On motion of Senator DeWare, for Senator Nolin, debate adjourned.

HEALTH CARE IN CANADA

INQUIRY—DEBATE ADJOURNED

Hon. Wilbert J. Keon rose pursuant to notice of April 13, 1999:

That he will call the attention of the Senate to the present state of the Canadian health care system.

He said: Honourable senators, I rise today to bring the attention of the Senate to the state of the Canadian health care system; specifically, where we are now and where we should be headed. My purpose is to heighten the awareness of the key issues facing the Canadian health care system and to establish the broad parameters that will lay the groundwork for a clear, sustained focus on health reform.

First, I wish to highlight the key issues facing the health system today that will have a significant impact on the future. Second, I wish to emphasize the need for renewal of the government's commitment to the integration of federal and provincial resources as central to the change process. Third, I wish to propose strategies and directions for addressing these issues. Finally, I wish to articulate the importance of developing a long-term planning focus that will guide the necessary changes in the system.

For many years there has been a hesitant approach to leadership at the federal level, which has prevented progress on a number of fronts. This is understandable, given that health care is delivered largely by the provinces, all of which are struggling to sustain their systems. However, it seems that the tide may be turning on this front. Recent announcements made by the federal government are illustrative of a renewed leadership role being assumed in the health arena. Indeed, the most recent federal budget, tabled in February of this year, marked a historic point for health care in Canada.

The government can be commended on its plan to invest in the health of Canadians. This is a progressive response to the concerns of health professionals and citizens who know that a healthy future for the country starts with a healthy population. Under the leadership of Minister Rock, medical research and care in Canada is being addressed with appropriate funding and further development. Some of the recent initiatives that demonstrate this renewed leadership role include:

- establishment of the Canadian Institutes of Health Research for the promotion, creation and integration of

health research across the country, and an extra \$47 million in funding for research over the next three years;

- increases to the Canada Health and Social Transfer payments of up to \$11.5 billion over the next five years;
- completion of the planning phase of the Health Infoway and the Health Infostructure project;
- enhancements to the funding base of the Canadian Institute for Health Information to support the collection of standardized information on health procedures and health outcomes;
- initiatives focused on improving quality and access of services related to rural and community health;
- greater emphasis on research into the effectiveness of home care services across the country;
- a continued effort to enhance the health status of First Nations.

•(1640)

These announcements were met, quite rightly, with tremendous enthusiasm by the provincial governments, the health care establishment and particularly the health research establishment. However, the question now is: Where do we go from here? Let me share some of my thoughts on this question.

Honourable senators, imagine for a moment a major corporation that does \$80 billion worth of business annually. It is an essential business on which millions of people depend. It is a major employer. Its workforce is made up of dedicated, highly motivated and well-trained people. It is a business profoundly affected by both demographic and technological change.

Unfortunately, however, this business is in deep trouble. Its clients are changing, as are their needs. At the same time, its revenue base is shrinking. Part of its service delivery is marked by overcapacity or by undercapacity. Despite strong intentions to make more efficient use of resources, there continues to be waste and duplication at all levels, as those who rely on the business struggle to move from one part of the business to another to receive the "care" they require.

The different parts of the business have grown in isolation from each other. There is no real coordination among the parts, nor is there any type of long-term planning. Though data is collected in different parts of the business, it is not collected in any standardized way, nor is it possible to easily compare data that is collected in many different parts of the business.

In the worst case scenario, this business risks complete collapse. At best, it risks becoming less relevant and useful to Canadians unless immediate and significant remedial action is taken. This scenario, honourable senators, describes the current state of our health care system.

There is no doubt that the economic and fiscal crisis across this country in the 1980s was the primary force that led every province to implement their own agenda for health reform. The reforms currently being implemented have been difficult for all those working in, planning for and using the health care system. The emergence of a more positive fiscal climate today, however, provides us with a window of opportunity to plan for future change and to reshape the health care system into a modern business capable of meeting the needs of today's health care consumers now and in the future.

If we are to preserve a sustainable, high quality and affordable health system capable of meeting the needs of Canadians today, we must be prepared to look toward the future with an open mind and a genuine willingness to make a difference. This willingness must move us beyond our current preoccupation with the protection of the status quo and the preservation of a health system that was put in place over 40 years ago, a system that, in spite of all its merits, is no longer equipped to deal with society's present needs.

Today, for example, our health system is not capable of responding to the needs of the growing numbers of Canadians living with chronic illness. The new and changing health problems facing our population will demand the development of a more integrated approach to care delivery among the different providers working in the system. The new system will place heavier emphasis on the promotion of good health in Canada and the development of strategies to control health risks and prevent disease. Among other things, this new emphasis will allow us to place greater emphasis on rehabilitation, prevention and education, and on the treatment of disease entities such as cancer, AIDS and heart disease.

Honourable senators, let us be clear: There is no one solution to the challenges that lie before us. Health care reform is a complex, multifaceted issue that requires tough, careful reasoning and cooperation of different stakeholders. Preserving our future health care system demands immediate and bold action. It does not, however, require more money or more studies on how to improve health status. While more money may be needed up front to support the transition process, the longer-term objective is to rebalance our current spending in health care by shifting the use of our resources to support delivery of new types of care that will take place in long-term care, home care and other community support facilities.

We do not need to spend more on health care. At just under 10 per cent of gross domestic product, Canadians are spending enough to support access to a good health care system. In fact, we spend considerably more on health care in this country than countries such as Sweden and Holland that have much older populations. What we need is to spend more wisely on health care to ensure that we are spending money at the right time, at the right place and on the right things.

We do not need more studies on how to improve health status. Report after report has told us that improving the health of our

population will demand that we go beyond investments in our traditional health care system to invest in other areas that determine health. It includes cost to individuals, families, businesses, underutilized human potential and lost productive capacity.

Reforming the Canadian health system is a task, however, that cannot be underestimated. The "uniqueness" of this country and the enormously strong attachment that the public has to our present health care system poses a set of complex issues that need to be addressed.

For starters, our health care system responds to one of the most economically, socially, culturally and demographically diverse populations in the world, diversity which will grow over the coming years. As the population continues to change and diversify, and pressures on health care costs and services increase, providers and governments will face growing demands for health services that are not only cost effective and responsive to the needs of the changing population but that also take into consideration the importance of those determinants that extend beyond the traditional health care system — that is, the importance of a safe, clean environment, good housing, and a strong, vibrant economy.

We are also faced with finding solutions to respond to the wide inequities that continue to exist between regions in this country and certain population groups, and even within regions and cities. Add to these challenges the fact that an increasing number of Canadians are expressing dissatisfaction with the current system. This dissatisfaction is being translated into growing concern and anxiety about what is perceived to be a decline in the quality of the health care system; a decline in access; a deterioration of working conditions; a demand for a different mix of health services to access different kinds of health providers; and a decline in the nation's ability to control health care costs.

Honourable senators, what is needed is a package of solutions that can be worked on simultaneously; a package of solutions that builds on an exploration of many alternatives, and considers ideas and approaches that may not necessarily fit with "conventional" wisdom; and a package of reforms that builds on the many "goods" in the existing system, not the least of which is the confidence most people have that when they are sick or injured, they do have relatively ready access to services of the range and quality necessary to facilitate their return to health. That confidence is well placed in our "resources" of well-trained health professionals, institutions and organizations.

•(1650)

Today, I wish to table an eight point strategy as a starting point for initiating an inquiry into the health care system. It is my hope that an exploration of each of these strategies will compel us to move forward in developing a clearer strategic plan that signifies strong federal leadership. In the months ahead, I will discuss each of these eight strategies in greater detail and encourage others to come forward with their views.

Strategy 1: The need for a vision. To begin with, we need a clear mission and strategic objectives for our health care system. These strategies should be developed with the broad input of the population at large and involve representation of all sectors within the health system. This vision should include a structured framework which will allow us to create a national health system that creates a given standard of health, based on population and providers' perspective.

Strategy 2: Development of a long-term planning and policy agenda. Once we have a vision in place, we can begin to establish a national long-range plan for change. This plan should not be formulated by the government but within the spirit of the Canadian mosaic whereby existing organizations are encouraged, strengthened and stimulated to contribute to the development of a long-term plan.

The focus on finding solutions to deal with the daily crisis has become the *modus operandi* of most decision makers. There has been a notable absence of any kind of long-range planning. This reactive, on-the-heels type of management gives the appearance of lurching from one problem to the next with no idea of where all this activity will lead. We need to do — and can do — much better.

There is an urgent need to establish a long-range planning group in Canada. The mandate of this group should include the requirements to explore the role and relationship of health professionals, health administrators and governments in working together to develop a longer term change agenda that will guarantee the presence of a national health care system founded on national values, as opposed to principles or beliefs.

Strategy 3: Garner public support of the need for change. One of the biggest challenges will be to involve the public in the change process. Doing so will require that we raise awareness among members of the general public of the strengths and weaknesses of the current health care system. Emphasis must also be placed on educating the public about the importance and value of all aspects of the health care system.

It will also require that we gain a better understanding and appreciation of what the public believes is wrong with the current health care system so that we can begin to sort out some of the myths and misconceptions that exist. Once we get this information, we will be in a better position to develop some options and scenarios for building a health system capable of meeting the challenges of the next century.

Strategy 4: Focus on systems integration. The fact is that we do not have a real health system now — we just talk as though we do. While we may have all the component parts that are capable of building the system, they do not fit together to work as a real system. One of the things that will help promote greater integration is the development of a national health info-system that will bring a greater level of accessibility and accountability to the system. Yet, without a clear sense of direction and well-articulated objectives as suggested by strategy 1, such an information system will not be able to realize its full potential.

I congratulate the government for the progress to date in this area. However, federal, provincial and regional institutional cooperation is now required for implementation.

Strategy 5: Consider the role of the private and third, or voluntary, sector in a renewed health system. There is a candid sense of reluctance in this country to talk about roles of the private and third, or voluntary, sector in the future of the health care system. During the 1990s, we have seen a significant increase in the share of private sector funding, from approximately 25 per cent of the total in 1990 to 28 per cent today. This private sector investment is more than in most European nations, and double the level in the United Kingdom, which actually has a parallel private system. Today, among the 28-member countries of the OECD for which comparable data is available, Canada ranks twenty-third in terms of public sector spending as a proportion of total health spending.

What are the factors contributing to the increase in private expenditures in health care? Is it a consequence of the restricted nature of the Canada Health Act? Can it be attributed to the changing demands of the population, or is it more the result of the changing nature of the services being delivered as a result of new technologies and application of drugs?

We must face the reality that private money has always been in the health care system, and will continue to exist. A failure to factor the involvement of the private and voluntary sectors into the change process will lead to fundamental problems in any future reform agenda.

Strategy 6: Building stronger partnerships between the private and public sectors. Employers and private sector partners need to work more closely with government. There is much that employers can do to work cooperatively with governments to improve overall efficiency and effectiveness of the health system. An enormous, untapped potential exists for building stronger relationships between the government and private sector to work together to build a restructured health care system.

The public sector could learn a great deal from the private sector. Most decision makers in the health field are so preoccupied with fighting the crisis of the day that they do not pay enough attention to the good things that are happening in our own backyard. In the same way that the private sector reaps the benefits of best practices, the health system must learn to do the same.

Strategy 7: Link social and economic policy agendas. We need to do a better job of linking the social and economic policy agendas in this country. In so doing, we will foster a greater understanding of interaction of social and fiscal policies and their ultimate impact on health.

Is it possible that part of our poor productivity record is related to this divergence of policy making? Canada is evolving from a resource-based economy to a knowledge-based economy. A knowledge-based economy is founded on human capital and, as a result, investment in the health of Canadians becomes essential to the health of the Canadian economy. We need to consider investments in Canadians as investments in social capital, which

is ultimately the foundation of our Canadian economy. If we as a country are to reap the benefits of the new economy, then the social and economic policies must be developed together.

Another factor that we often fail to recognize is that our single payer health system has significant economic advantages. In fact, our publicly financed health system is one of the main factors that helps us to keep competitive in the global marketplace and provides Canadian business with a substantial competitive advantage. A report prepared by the former Premier's Council on Economic Renewal in Ontario found that business in Illinois, Michigan, New York, California and Ohio was spending approximately 2.5 times more than those in Canada's largest province for medical benefits, workers' compensation, unemployment insurance and social security. That should be a major selling point in attracting business to Canada, but it is not generally recognized, or at least appropriately advertised. In my own experience in starting a company some time ago, I sold this aspect very highly — namely, the quality of life in Ottawa — and it worked.

•(1700)

The national character of our health system also serves to enhance the mobility of the labour force, which can be important in responding to the change of business requirements and opportunities. If we do not make a concerted effort to develop social and economic policies in tandem, they may end up being counter-productive to each other.

Strategy 8: Illustrate strong federal leadership. Political will is crucial for advancing any national health reform agenda. This will require confronting tough questions: What is the meaning of the social union? How does it differ from the status quo? What can we expect to do with it? How can federal, provincial, regional and private resources be better coordinated to maximize our outcomes? Is the Canada Health Act a limiting factor in creating real change? Has the time come to revisit the act? This could be done in the spirit of respecting and reinforcing it.

The issues we need to confront are complex and inter-related. They are not simple, cut-and-dried issues that are easily solved, as they are sometimes described. Finding solutions will require collective efforts from all levels of government, the private and voluntary sectors, and the Canadian public.

My opening comments recognized some of the current commitments that have been made by the federal government to strengthen the foundation of our national health system. National leadership is essential not only to ensure the sustainability of the national health system capable of meeting future needs of Canadians but also as a vehicle to catalyze the building of a real system of health care in Canada.

There have been a tremendous number of stop-and-go efforts to reform the health system in recent years. Currently, we have studies under way on a whole range of issues such as the benefits of integrated health systems, how to measure accountability, developing and adopting adequate space, decision-making as part of protocol for patient care, guidelines for adopting new technologies, blueprints for creating a national health

information system and a health information highway, strategies to improve the delivery of primary health care services, the development of human resource strategies to ensure adequate numbers of providers and professionals — and the list goes on.

All of these studies and initiatives, while necessary and worthwhile, are occurring in an ad hoc, unrelated fashion. Alone, they do not have much impact. We need to find a way to bring these initiatives together. Right now, there is no mechanism for achieving stakeholder consensus on which of these studies should have the highest priority. There is no mechanism to evaluate these projects. There is no way to communicate the results to providers, consumers and governments in any coherent, logical, meaningful way.

We need a single entity, at arm's length from government, established by the federal government to assume a leadership role in integrating the range of research studies under way across the country: a task-oriented entity with clear goals and objectives accountable to the public for its work and for facilitating awareness and adoption of credible research findings as they emerge through the regular advice to the Minister of Health. This would create an expectation for regular public disclosure and discussion of new findings in improving the health system. It would also provide a vehicle that will ensure greater momentum, assurance and support for change.

Honourable senators, a successful future can be ours, but if we do not commit to a change process now and seize this time as a opportunity to embark upon the development of long-range initiatives that will support the emerging needs of a new society, we may find, unexpectedly, that a very different future overtakes us.

On motion of Senator DeWare, debate adjourned.

HEALTH

MOTION TO MAINTAIN CURRENT REGULATION OF CAFFEINE AS FOOD ADDITIVE—DEBATE ADJOURNED

Hon. Mira Spivak, pursuant to notice of March 9, 1999, moved:

That the Senate urge the Government of Canada to maintain Canada's current regulation of caffeine as food additive in soft drink beverages until such time as there is evidence that any proposed change will not result in a detriment to the health of Canadians and, in particular, to children and young people.

She said: Honourable senators, some 14 months ago, Health Canada proposed a significant change in soft drinks sold in Canada. In Part I of *The Canada Gazette*, it recommended that the government allow Pepsi and other soft-drink makers to add caffeine to a new range of soft drinks for our children and young people. Mountain Dew, Kick, Mello Yello and Surge are some of the soft drinks sold in the U.S. All contain more caffeine than Coke or Pepsi.

The Department of Health's rationale for this proposal as listed in the Gazette was simple: It would harmonize Canadian provisions for these products with the United States and allow soft drink makers to "standardize" their formulae.

Before the department proposed changing our regulation, it consulted with Pepsi, a company eager to add caffeine to Mountain Dew. Some scientists within Health Canada were opposed to the change on health grounds, but they were overruled. There were no outside consultations with physicians or public health groups, or with anyone else who had second thoughts about the wisdom of exposing children and young people to new sources of caffeine.

However, within weeks of publishing its proposal, Health Canada had a response from those who were frankly appalled by the suggestion. It heard from the Canadian Institute of Child Health, from the Centre for Science in the Public Interest and others. They were appalled, because caffeine is a drug. It is a psychoactive drug, a stimulant that affects the brain, speeds up metabolism and prompts the body to lose calcium. It is a drug that can cause addiction. It is the only psychoactive drug that can be legally sold to children. Those facts alone demand that drug regulators be cautious.

The effects of caffeine on adults range from anxiety, insomnia, irritability and depression to severe headaches and other withdrawal symptoms when adults stop drinking coffee and eating chocolate. Doctors warn pregnant women and breastfeeding mothers to restrict their intake of caffeine. Some studies indicate that caffeine increases the risk of miscarriages and retards fetal development. Caffeine is so potent that it has proven fatal at — granted — extremely high doses.

These are the known adverse effects on healthy adults. Health Canada itself recommends that adults consume no more than 400 to 450 milligrams per day, an amount found in three to four cups of drip coffee. That is the recommendation for people whose nervous systems are fully developed, whose body weight is double or triple that of a child, and whose bodies have clearly absorbed enough calcium to grow healthy adult teeth and bones.

What about children and fast-growing teenagers? There is no official recommendation for their caffeine intake. Most of us can remember when caffeine was off limits for children. The adage was: It will stunt your growth.

There was some wisdom in that old saying. Parents denied tea or coffee on a regular basis, and they still do. Back then, the amount of caffeine that children consumed through coke or Pepsi was far less than they get today. Bottles were much smaller — about half the size of today's cans. There were no "Big Gulps" at convenience stores or 40-ounce supersize drinks sold in theatres or at fast food outlets.

•(1710)

Since the late 1940s, soft drink manufacturers have both increased the size of the bottles and vastly increased production. In the U.S., production has increased from an amount equal to

about 100 cans per person per year to today's level of almost 600 cans.

By conservative estimates, one in four U.S. teenaged boys who drink pop is downing five or more cans a day, and one in 10 is drinking seven cans or more. Six of the seven most popular selling soft drinks contain caffeine. That is why some people are calling today's American kids "generation wired."

I am not aware of any detailed statistics of soft drink consumption among our young people, but we know that Canadians on the whole are drinking 25 per cent more soft drinks than milk. On the face of it, we should not be encouraging our young people to follow the U.S. example by harmonizing our regulations.

Some of the adverse health effects on kids are obvious. Young people who choose soft drinks over milk or juice are getting a great deal of sugar and few nutrients. If those soft drinks have caffeine, they are losing some of the calcium that their growing bodies need. According to a spokeswoman for the American Dietetic Association, there is a danger that children will not reach sufficient bone mass. There is also a growing body of research showing that too much caffeine makes children nervous, anxious, fidgety, frustrated and quicker to anger.

Judith Rapport, a child psychiatry researcher with the National Institute of Mental Health, found that 8- to 13-year-olds who regularly consumed high doses of caffeine were more restless in the classroom. Two studies have recorded caffeine withdrawal symptoms among children. Dr. William Cochran a paediatric gastroenterologist at Penn State, says that common child illnesses like ear infections, colds, bronchitis and asthma may be exacerbated by caffeinated soft drinks.

It is very troubling that Health Canada's Food Rulings Committee did not properly consider these matters before the decision was made 14 months ago. I have it on good authority that some members of the committee tried to raise health concerns. In the end, they were overruled by others added to the committee who argued for consumer choice and trade and commercial interests.

The only health justification for publishing the ruling was the unsubstantiated claim that Canadians, including kids, would switch from colas to other caffeinated drinks like Mountain Dew. Therefore, our officials surmised there would be no increase in caffeine intake. I say: "Prove it."

The "no increase" argument is Pepsi's argument. It is the argument of a very aggressive marketer. It is the argument of a company that encourages feeding soft drinks to babies by licensing its logo to makers of baby bottles. It is a company that has distributed half a million free pagers to kids in the U.S., but only after they read the Mountain Dew promo. It is a company that pays up to \$11 million to school districts for exclusive rights to distribute their product and hang ads on gym walls and in school buses. It is a company whose ads promise teenagers that there is "nothing more intense than slammin' a Dew."

Our Health Protection Branch uncritically accepted the assurance that caffeine consumption will not increase when high test Mountain Dew and other caffeine-spiked drinks are sold. That is a specious argument. That tells me that something is sadly amiss in our drug approval process. I hope that some Senate committee will investigate the approval of caffeine.

I am pleased that the Minister of Health has not acted quickly on the caffeine proposal. His officials now tell me that there will be a thorough evaluation. He is also considering an external review. I ask: Why? We have competent evaluators within Health Canada. We have people who raise legitimate issues of public health. We have the deputy minister's assurance that the public is the client at Health Canada. All we need do is derail those who think otherwise and insist that all health questions be properly examined.

If the department is intent on an external review, however, there must be no perceived conflict of interest. The department must stringently apply its own good conflict of interest guidelines. No matter how the review is conducted, it must also be based on proper studies and, as the Agriculture Committee recommended in the case of bovine growth hormone, the final decision must rest with evaluators who have the public health foremost in mind.

In closing, honourable senators, I wish to stress some of the same points we raised on bovine growth hormone. No one is clamouring for the addition of caffeine to such products as high-test Mountain Dew, Mello Yello or Surge. Adding caffeine to soft drinks does not treat disease; it does not prevent disease; and it does not encourage good health and nutrition. It only helps the manufacturer.

I know that after my grandchildren have played a game of hockey they are anxious to have a soft drink from the canteen at the community club. Why must there be caffeine in those drinks?

Before the Health Protection Branch helps Pepsi sell more Mountain Dew with caffeine in it in this country, it must be very certain that it will not harm the health of Canadians; in particular, our children.

On motion of Senator Carstairs, debate adjourned.

HUMAN RIGHTS IN TIBET

MOTION AS MODIFIED TO URGE CHINESE GOVERNMENT
TO RECOGNIZE SELF-DETERMINATION AND HUMAN RIGHTS
OF TIBETANS—DEBATE ADJOURNED

Hon. Consiglio Di Nino, pursuant to notice of March 11, 1999, moved:

That the Senate urge the Government of Canada to use its good offices to urge the Government of China to respect the right to self-determination and human rights of the people of Tibet and in particular to respect the Universal Declaration

of Human Rights as well as resolutions of the UN General Assembly in 1960, 1961 and 1965 which affirmed these rights for the Tibetan people.

He said: Honourable senators, I ask leave to amend this motion by adding to it.

The Hon. the Speaker: Honourable senators, is leave granted to add to the motion?

Hon. Senators: Agreed.

MOTION IN AMENDMENT

Hon. Consiglio Di Nino: Therefore, I move:

And further, that the Government of Canada urge the Government of China to meet with His Holiness, the Dalai Lama, without preconditions and under the auspices of the United Nations to attempt to resolve the Tibetan problem.

Honourable senators, Wednesday, March 10, 1999, marked the anniversary of the Tibetan national uprising of 1959. On that day, thousands of miles from here, His Holiness the Dalai Lama addressed a crowd in the City of Dharamsala in northern India where he has lived for 40 others in exile. He spoke of Tibet's unique cultural and religious heritage and of the great differences separating Tibet and China in terms of history, language, and way of life.

As well, he referred to the ongoing abuses taking place in Tibet by Chinese authorities, including racial and cultural discrimination and widespread and serious violations of human rights. He said that, at the sight of the slightest of dissent, the Chinese authorities react with force and repression. This repression is aimed at preventing Tibetans as a people from asserting their own identity and culture, and their wish to preserve them.

• (1720)

The extent of the Chinese repression is well documented. It is based on information gathered by a variety of organizations from the International Commission of Jurists to Amnesty International, to Asia Watch, to Human Rights Watch and to the Tibetan Centre for Human Rights and Democracy. According to these sources, last year alone hundreds of monks were arrested in Tibet, and thousands more were expelled from religious institutions as part of what is called a "patriotic re-education campaign." Among the population at large, 56 people were arrested for writing poems, shouting slogans and pasting posters. Others were victims of forced sterilization, political trials, torture and that old Chinese communist favourite, forced education through labour.

To strengthen its hold on Tibet, China has stationed more than 200,000 troops throughout this profoundly pacifist nation. It has also installed a growing military infrastructure, including radar stations, military airfields and missile bases. Tibet, the peaceful buffer state, has been transformed into an armed camp.

Despite nearly 50 years of so-called liberation, Tibetans' spirit and their will to be free in their own land remains unbroken. The Dalai Lama realizes this as, I suspect, do the Chinese. However, the vicious circle of Chinese repression and Tibetan resistance continues.

In an effort to break the deadlock, the Dalai Lama has renounced the idea of outright independence. Instead, he has called on the Chinese authorities to allow Tibet to become a fully autonomous region within the People's Republic of China. The Chinese have refused this peace offering. Indeed, they have hardened their attitude, daily denouncing the Dalai Lama as a separatist and a loyal tool of anti-China forces.

Honourable senators, the solution to the tragedy that is Tibet will not be found in slogans and doctrinaire propaganda. The solution, as His Holiness the Dalai Lama rightly points out, is in dialogue. Formal statements, official rhetoric or that favourite Canadian response, "We have spoken about this matter privately," gets us nowhere. There has to be real, face-to-face discussion and negotiation. However, it takes two to tango, which leads me to our present Prime Minister.

Mr. Chrétien has said that he is a good friend of President Jiang of China. Can he not use his friendship to promote the dialogue that the Dalai Lama asks for? Perhaps the Prime Minister could write to President Jiang and urge him to meet with the Dalai Lama, or maybe even play the honest broker and offer to mediate a meeting between the two. At the same time, could he not urge President Jiang to respect human rights in Tibet, to stop cultural genocide and to put a halt to the environmental degradation that is happening there? Finally, perhaps he could do so publicly so that the rest of Canada and the world would see for themselves what Mr. Chrétien has to say, and to whom he says it.

By writing President Jiang, the Prime Minister of Canada would not be telling China what to do. He would not be advising them on how to run their country, or how to deal with their internal affairs. He would simply be reminding them that, as a nation, they have certain obligations to their citizens, and that among these are, or should be, to respect the provisions of the Universal Declaration of Human Rights and the resolutions of the UN General Assembly dated 1960, 1961 and 1965 affirming these rights for the people of Tibet.

During the past week, honourable senators, Premier Zhu of China has been in our country. Everywhere he went, he was greeted by protesters demanding an improvement in human rights in China and freedom for the Tibetan people. Did our Prime Minister use this golden opportunity to raise these issues with the Chinese premier? Mr. Chrétien is quoted as having said that he and Mr. Zhu talked frankly about everything. Did they speak about Tibet? Who can tell? As usual, our Prime Minister talks a lot, but says little.

I was more than astounded, however, when I heard the Prime Minister offer Premier Zhu a public way out when he said

that Tibet could not be compared to Kosovo. Has Mr. Chrétien forgotten that over one million people have been killed in Tibet since the Chinese invasion of 1959? Has he forgotten the persecution, the rapes, the forced sterilization, the cultural genocide and God knows what else that has gone on, and is going on as we speak, in Tibet?

Premier Zhu says that there is religious freedom in Tibet. I must say that his definition of "freedom" must be a lot different from mine, and that of most of the people I know. I am sure, for example, that the world's hundreds of millions of Catholics would be less than pleased if they were to learn that the Pope was henceforth to be chosen by the state. Yet, this is exactly the case in Tibet.

Honourable senators, we are all aware that Canada is one of the few western countries that has not publicly advocated negotiation as a means of ending the conflict in Tibet. Unfortunately, I think the reason for this is that we do not want to upset the Chinese. We are afraid to offend them because this might lead to lost commercial opportunities.

However, as the Prime Minister knows, foreign affairs is more than just trade and money. It is about values. It is about the protection and defence of the ideas and the ideals that a nation believes should be adhered to by all.

In closing, honourable senators, for close to half a century China has occupied Tibet. However, time has not brought legitimacy. In fact, the opposite has been the case. Today, China's presence in Tibet is just as wrong, just as immoral as it was when it began soon after the Second World War. Obviously, Canada alone cannot force the Chinese out of Tibet, but it can do its part.

The purpose of this motion is to ask each and every one of you, honourable senators, to join with me in asking Mr. Chrétien and his government to do their part and to help find a solution to the tragic problem of Tibet.

Hon. Marcel Prud'homme: Honourable senators, I should like to ask a question of the honourable senator.

I read with great interest the motion of the Honourable Senator Di Nino in which he mentions the Universal Declaration of Human Rights, as well as resolutions passed by the UN General Assembly. He is asking us to respect the resolutions passed by either the UN General Assembly or the UN Security Council.

Is the honourable senator of the opinion that all resolutions of the UN General Assembly or Security Council should be put on an equal footing, respected and implemented?

Senator Di Nino: Honourable senators, without hesitation, say "yes."

On motion of Senator Carstairs, debate adjourned.

The Senate adjourned until Wednesday, April 21, 1999, at 1:30 p.m.

CONTENTS

Tuesday, April 20, 1999

PAGE

PAGE

SENATORS' STATEMENTS

Mr. Wayne Gretzky, O.C.

Tributes on Retirement from National Hockey League.

Senator Graham	3071
Senator Mahovlich	3072

Justice

Inadequacies of System. Senator Atkins	3072
--	------

Human Rights

International Convention on the Elimination of All Forms of Racial Discrimination. Senator Andreychuk	3072
---	------

Post-Secondary Education

Millennium Scholarship Foundation. Senator Rivest	3072
---	------

ROUTINE PROCEEDINGS

Private Bill (Bill S-25)

Certified General Accountants' Association of Canada— Report of Committee. Senator Kirby	3074
---	------

Adjournment

Senator Carstairs	3074
-------------------------	------

Canada Elections Act (Bill S-28)

Bill to Amend—First Reading. Senator Andreychuk	3074
---	------

Young People and Tobacco Use

Notice of Inquiry. Senator Kenny	3074
--	------

National Council of Welfare

Report on Preschool Children—Notice of Inquiry. Senator Cohen	3075
---	------

Statistics Act

Release of Census Information—Presentation of Petition. Senator Milne	3075
---	------

QUESTION PERIOD

Fisheries and Oceans

Aquaculture—Lifting of Ban on Exotic Fertile Fish Species— Effect on Conservation—Government Position. Senator Comeau	3075
Senator Graham	3075

Foreign Affairs

World Trade Organization—Support for China's Application— Government Position. Senator Andreychuk	3075
Senator Graham	3075
World Trade Organization—Support for China's Application— Effect on Human Rights Issues. Senator Andreychuk	3075

Senator Graham	3076
----------------------	------

United Nations

NATO Forces in Former Yugoslavia—Statement by United Nations Association in Canada on Possible Initiative— Government Position. Senator Roche	3076
Senator Graham	3076

North Atlantic Treaty Organization

Forthcoming Summit—Statements of Government on Nuclear Policy—Request for Tabling. Senator Roche	3076
Senator Graham	3076

Foreign Affairs

NATO Forces in Former Yugoslavia—Support for Kosovo Liberation Army—Government Position. Senator Forrestall ..	3076
Senator Graham	3077

Treasury Board

Conflict in Former Yugoslavia—Funding for Humanitarian and Military Initiatives—Request for Information. Senator Roberge	3077
Senator Graham	3077
Senator Nolin	3078

Auditor General

Comments on Underground Economy in Report— Government Position. Senator Oliver	3078
Senator Graham	3078
Legislative Measures to Combat Underground Economy— Government Position. Senator Oliver	3078
Senator Graham	3078
Possible Tax Reductions to Combat Underground Economy— Government Position. Senator Oliver	3078
Senator Graham	3078

ORDERS OF THE DAY

Extradition Bill (Bill C-40)

Third Reading—Motions in Amendment—Debate Continued. Senator Bryden	3080
Senator Beaudoin	3082

The Budget 1999

Statement of Minister of Finance—Inquiry—Debate Continued. Senator LeBreton	3084
---	------

Privatization and Licensing of Quotas

Consideration of Report of Fisheries Committee— Debate Continued. Senator Meighen	3085
Senator Stewart	3087

Cape Breton Development Corporation

Motion for Production of Documents Relevant to Proposed Privatization—Debate Continued. Senator Graham	3088
---	------

Private Bill (Bill S-18)

Alliance of Manufacturers & Exporters Canada—	
Second Reading, Senator Kelleher	3090
Referred to Committee.	3091

Income Tax Act

Increase in Foreign Property Component of Deferred Income	
Plans—Motion Proposing an Amendment—Debate Continued,	
Senator Eyton	3091

Sexual Assault

Recent Decision of Supreme Court of Canada—Inquiry—	
Debate Continued, Senator P��pin	3093

Health Care in Canada

Inquiry—Debate Adjourned, Senator Keon	3094
--	------

Health

Motion to Maintain Current Regulation of Caffeine as Food	
Additive—Debate Adjourned, Senator Spivak	3097

Human Rights in Tibet

Motion as Modified to Urge Chinese Government to Recognize	
Self-Determination and Human Rights of Tibetans—	
Debate Adjourned, Senator Di Nino	3099
Motion in Amendment, Senator Di Nino	3099
Senator Prud'homme	3100



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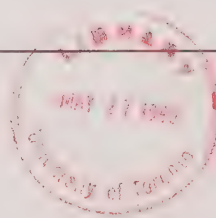
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OFFICIAL REPORT
(HANSARD)

Wednesday, April 21, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, April 21, 1999

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

NATIONAL VOLUNTEER WEEK

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, someone once said that faith moves mountains — but you have to keep pushing while you are praying. For the 7.5 million Canadian volunteers who help to shape and build our communities and neighbourhoods in this country, that little truism is just a way of life.

These are Canadians who are not content to sit in the stands and watch. These are the Canadians who really get out on the field and participate. These are people who have learned that if you reach beyond your fingertips, you can always make a difference.

Volunteers act on the understanding that leadership is not the other guy's concern, it has to come from all of us; that generosity is not someone else's concern, it has to come from all of us; and that responsibility is not just someone else's concern, it has to come from all of us. These are citizens who understand what we, collectively, lose in this country when citizens say, too often and too easily, "What is in it for me?" These are citizens who understand what we lose as Canadians when indifference becomes the real enemy of freedom.

As we set out to honour our volunteers this week for their commitment, their compassion and their generosity, we must remember that these people help to define what it means to be Canadian by acting on the values which have made our flag the envy of the world community. It is because of the selfless devotion and countless hours of unpaid energy; it is because of the faith they show in making their communities and their country a better place than they found it; it is because of the kind of cooperation which assumes leadership without being asked — it is because of all of this that we take the time this week to acknowledge the countless efforts of millions of Canadians, those who make contributions not only in times of crisis but in the important day-to-day lives of many people; contributions to the lonely, to the aged, to the hungry, to our young; contributions as health care aides and coaches and search-and-rescue operators and fire-fighters, the kinds of contributions which make our volunteers one of our finest natural resources.

Do what you can, with what you have, where you are, is the old adage which best characterizes the spirit of National Volunteer Week. For those who have the determination, the

commitment and the faith to make this world a better place, for all those volunteers who push while they are praying, moving mountains has always been only part of the day's work.

[Translation]

Thanks to all Canada's volunteers.

Hon. Thérèse Lavoie-Roux: Honourable senators, allow me to share a few thoughts on the occasion of National Volunteer Week. During this week, we recognize the devotion and altruism of the 7.5 million Canadians who give of their time to help their fellow citizens. Our volunteers are participants rather than observers, and their contribution is vital to the social cohesion of our communities.

[English]

Canadians have a long tradition of volunteering in a variety of settings, such as health care, schools, recreation, faith communities, and community services, to name a few. I am certain that my colleagues in the Senate have been volunteers at one point or another in their communities. Perhaps we should make a point this week of finding out what volunteer activities each of us is involved with and recognizing the contribution being made.

A recent survey conducted by Statistics Canada found that volunteering is on the rise. Over 31 per cent of Canadians, almost one in three, volunteer their time to charitable and non-profit organizations, up from 26.8 per cent in 1987. The greatest increase in volunteering is among youth. The survey found that the number of young people who volunteer has nearly doubled in 10 years. How encouraging it is to see the motivation of young Canadians to get involved in their communities. Our senior citizens also provide valuable contributions through their volunteer work, not only through formal volunteer activities but also through unpaid care, such as looking after children and other seniors.

• (1340)

Finding ways to offer their services and skill to the community can provide older persons with a greater sense of satisfaction and belonging. I encourage senior citizens to further develop this role as volunteers in their communities. They may feel that they are aging less quickly if they help others.

[Translation]

Honourable senators, in the context of National Volunteer Week, I should like to pay tribute to the St. John Ambulance, this year celebrating its 900th anniversary. Nine hundred years of history, an anniversary of note, since St. John Ambulance is the oldest charitable and volunteer agency in the world.

The Order of St. John, which gave birth to St. John Ambulance of modern times, dates back officially to 1099 and has its roots in a hospital run by the Benedictine Monks in Jerusalem. These monks wore the white cross, which we can still see today on the uniforms of the members of the St. John Ambulance Brigade. This organization has survived through the centuries thanks to its ability to adapt to the needs of each age. Its community services have gone from first aid to pilgrims on their way to the Holy Land to ambulance services on the battlefields, and now to the leadership in first aid training in Canada.

Nowadays, St. John Ambulance provides first aid at large gatherings such as Canada Day celebrations. During natural disasters such as the Red River and Saguenay flooding, or the ice storm, St. John Ambulance volunteers were among the first to provide assistance to victims.

St. John Ambulance is made up of over 25,000 volunteers across Canada who devote over two million hours of their time to serving the community and treat close to 200,000 injuries free of charge annually. It has a team of 7,000 first aid instructors who provide training to over 800,000 Canadians each year.

Today I call on senators to pay tribute to the vital community service these thousands of St. John Ambulance volunteers have been providing around the world for the past 900 years. 116 of them in Canada, and will continue to provide, I hope, for many years to come.

[English]

Far too often we take volunteers for granted. They give of their time freely and of themselves selflessly, and their efforts often go unrecognized. On the occasion of National Volunteer Week, let us make a point of acknowledging volunteers to show appreciation for the gift of giving to the community. Let us say, all together, thank you.

[Translation]

The community is much indebted to you. Thank you.

[English]

VOLUNTEERISM AND THE INTERNATIONAL YEAR OF OLDER PERSONS

Hon. Marian Maloney: Honourable senators, on February 3, 1999, I rose in this house and spoke of the importance of volunteerism in the context of the International Year of Older Persons. The designation of such a year has increased awareness of issues facing older persons and has fostered a better understanding of these issues throughout the country.

Considerable attention has, quite appropriately, been focussed on the problems facing older persons. Some of these problems, including those of economic security, tend to have a more adverse effect on women versus men. We must act to ameliorate

this inequality and address the systematic barriers women face as members of our society.

While this International Year of Older Persons has directed attention to those important problems, it is also a celebration of accomplishment. As a country, we are celebrating the efforts and contributions of local volunteers who enhance the quality of life for Canada's older persons.

Since making my statement in the house, I have been following many of these groups. One group, Seniors Art Services in Etobicoke, identifies and promotes the arts amongst seniors in the community. In doing so, it contributes to the promotion of artistic endeavour and enhances the richness of lives of older persons. It is volunteer efforts such as these that should be encouraged and applauded in this very important year.

Fellow senators, I encourage you to go out into your communities and formally recognize these valuable contributions.

VIOLENCE IN SOCIETY

Hon. Nicholas W. Taylor: Honourable senators, as a rational human being, a father, a grandfather, and a politician, I was extremely shocked and saddened by the terrible tragedy in Denver last night.

The nightmare of a violent movie that leaves the screen and tears to pieces young, innocent lives is beyond comprehension. The causes for this absurd, senseless act may go beyond human understanding. What should be more safe than the premises of a school? Yet, we have seen previous episodes of violence similar to this one and we have been unable to prevent it from happening again, causing immense grief and pain to those communities.

The terror-stricken faces of Denver students may well have been the faces of our own children. Only by the mystery of divine providence, they were not.

This episode, like other episodes of senseless violence in the past, should make us think hard about its causes and to work night and day to arrive at solutions. I have asked myself: Do we and others share some of the blame for not working harder to remove violence from our movie and television screens? Have we worked hard enough to convince those around me that violence only begets more violence, that you cannot tame violence by using violence?

Last night, President Clinton said:

We must do more to reach out to our children and teach them to express their anger and resolve their conflicts with words, not weapons.

Would that we might use that logic in our own affairs. Could we have, or should we now use it in solving the crisis in the former Yugoslavia? We cannot say, "Do as I say, not as I do." As the students of our world will tell us, we must "walk the talk."

ROUTINE PROCEEDINGS

[Later]

COASTAL FISHERIES PROTECTION ACT
CANADA SHIPPING ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-27, to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements.

Bill read first time.

The Hon. the Speaker: When shall this bill be read the second time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading on Tuesday next, April 26, 1999.

COMPASSION FOR CITIZENS
SUFFERING LOSS OF AUTONOMY

NOTICE OF MOTION TO ESTABLISH DAY OF RECOGNITION

Hon. Dan Hays: Honourable senators, I give notice that tomorrow, Thursday, April 22, 1999, I will move:

That May 20, 1999 be recognized as a day of compassion for Canadian citizens suffering a loss of autonomy.

[Later]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to introduce to you some distinguished visitors in the gallery. It is a group of members and officials of a parliamentary commission from Uganda on a study tour of Canada and North America.

Welcome to the Senate.

QUESTION PERIOD

UNITED NATIONS

CONFLICT IN FORMER YUGOSLAVIA—INITIATIVES BY CANADA
WITHIN SECURITY COUNCIL TO RESOLVE SITUATION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate. Could the honourable senator inform this house about the steps taken by Canada in the United Nations and, in particular, at the Security Council, with reference to the tragedy in Kosovo?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware of any particular steps that have been taken at the Security Council in recent days. The Prime Minister and the Minister of Foreign Affairs are of course aware of the initiatives that have been taken by Canada. They have also been in regular contact with all of their NATO allies. There have been conversations between Minister Axworthy and his counterpart in Russia, as well as with President Yeltsin's special envoy, former prime minister Chernomyrdin. I understand Minister Axworthy has had two conversations with him. Prime Minister Chrétien is well acquainted with the former prime minister.

● 1350

I am aware of the initiatives that have been taken by Germany and the European Community as well as the initiative taken by the Secretary-General. Apart from that, I am not aware of any particular initiative that has been taken by Canada in the Security Council of the United Nations in recent days.

Senator Kinsella: Honourable senators, I am sure Canadians will welcome initiatives being taken by the Prime Minister and other members of his cabinet and, in particular, the direct consultations between the head of our government and the governments of Russia and China, especially since the Premier of China was in Ottawa last week.

Could the minister advise the Senate whether or not an outline of a resolution affecting the tragedy in Kosovo was discussed with the Premier of China and with the head of the government of Russia? I ask this question in view of the fact that, prior to the launching of the NATO bombardment of Yugoslavia, it was argued by the Minister of Foreign Affairs that a resolution could not be adopted by the Security Council because the Minister of Foreign Affairs said that Russia and China would exercise their veto? Has there been any progress with regard to the development of resolution that would have the support of Russia and China?

Senator Graham: Honourable senators, I am not aware of any specific resolution. I can only repeat what the Prime Minister has said, namely, that he had good discussions with the Premier of China and with President Yeltsin.

I am not aware of any such initiative with respect to a specific outline of a resolution that might be spearheaded by Canada or by one of our allies. However, I can tell honourable senators that

in my discussions with the Prime Minister, he sounded quite hopeful. While he recognizes the opposition of both China and Russia to a resolution in the Security Council with respect to the situation in the Balkans, he is hopeful and was quite pleased with his discussions with the Premier of China, President Yeltsin, and the former prime minister of Russia.

[Translation]

IMMIGRATION

CONFLICT IN FORMER YUGOSLAVIA—DISTRIBUTION OF FINANCIAL AID FOR REFUGEES—GOVERNMENT POSITION

Hon. Marcel Prud'homme: Honourable senators, my question is on Kosovo. Mrs. Robillard, the Minister of Employment and Immigration, has indicated Canada's readiness to receive 5,000 Kosovars. The cost of this operation was estimated at \$100 million.

I have been to Albania and to Kosovo, and so I am particularly familiar with them. In my opinion, the greatest service we could render to the Kosovars would be to assist Albania in particular.

Would the Government of Canada not be prepared to set this sum aside for organizations providing assistance to families in need in Albania and to Canadian families prepared to take in Albania family from Kosovo, rather than for the Governments of Macedonia or of Albania? We are not here to assist the Serbian authorities in emptying Kosovo, we should offer temporary refuge to families in difficulty, who would return home when peace was restored.

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I think we should put things in the proper context. I thank the Honourable Senator Prud'homme for his suggestion.

The focus of relief for the refugees is now on regional resettlement. As the honourable senator indicated, Canada had expressed the willingness to accept 5,000 refugees at the very minimum.

Senator Prud'homme mentioned the figure of \$100 million. There was a recent announcement of an additional \$10 million to the United Nations' High Commissioner for Refugees and other relief agencies. Canada will have committed over \$22 million in humanitarian assistance since the crisis began. I understand that CIDA is considering an additional \$30 million, as I indicated yesterday — which would bring our total to \$52 million. I think that is a significant contribution for humanitarian purposes by Canada.

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA—DEPLOYMENT OF GROUND TROOPS—UNITS AVAILABLE—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate.

We have now heard the Prime Minister say that if NATO decides to deploy ground forces, "I will not be the only one not to agree." Now that we have that commitment, could the minister identify for us the Canadian Armed Forces units that are now available for ground operations in Yugoslavia? Are they the same forces that the minister talked about that are now undergoing training for peacekeeping, or are they other units?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as I mentioned the other day in response to a similar question from Senator Forrestall, Armed Forces personnel are trained for any eventuality, whether it is peacekeeping or peacemaking. Hopefully, at this point in time, we will not require peacemaking efforts. It is for Canada along with our allies to determine what next steps may be necessary.

I am sure there will be serious discussions at the NATO meetings in Washington. The Prime Minister, the Minister of Foreign Affairs and the Minister of National Defence will be leaving for Washington tomorrow. No doubt the Kosovo situation, along with the questions that have been raised by Senator Roche earlier in respect of nuclear disarmament, will top the list on the agenda.

With respect to identifying the particular part of our Armed Forces that would be deployed, I leave that decision to the Chief of the Defence Staff and others more directly responsible.

Senator Forrestall: Honourable senators, it is not as if we had hundreds of units from which to choose. There are only two or three of them.

NATO FORCES IN FORMER YUGOSLAVIA—DEPLOYMENT OF GROUND TROOPS IN ACTIVE SERVICE—BENEFITS OF VETERANS STATUS—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, my purpose in asking that question is to get at something else that is bothering me. I had taken for granted that the government would have long since taken every measure to ensure that the troops deployed would be on active service — whoever they are, wherever they go and in whatever capacity. A search of the Orders in Council as of late yesterday revealed no such order. Unless those troops are on active service, there is a possibility that they could be deprived of certain benefits that accrue to veterans.

If the minister is not sure whether the government has taken that measure, would he have his staff look at this question and, if necessary, take steps to ensure that any forces we send are properly enlisted? In that way they will enjoy, without any debate or question, the advantages and benefits that come with active service?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would be surprised if that were not the case. I am sure that the military authorities, in whom we have the greatest faith, have already taken that into account.

While on my feet, I should like to compliment our Armed Forces on their qualifications, their training and their capabilities. When the Minister of National Defence, the Honourable Arthur Eggleton, visited our CF-18 pilots and those deployed in support roles, the Supreme Allied Commander, General Wesley Clark, complimented him on the excellence of the Armed Forces personnel representing Canada in the NATO activities. "They are top of the line," to repeat the general's words as quoted by the Minister of National Defence.

Senator Forrestall: Of course, they are top of the line, honourable senators. They are the finest in the world and they are well trained. It is not because of that I ask the question. I have reviewed the Orders in Council going back some 18 months, if it is of any interest to anyone. There is nothing there to indicate that our troops who are there now or who may go in the future, in either the capacity of peacekeepers or peacemakers — God forbid — will enjoy the benefits of veteran status simply because they are not on active service.

Would the minister give me a little more assurance that he will look into the matter, check it fairly closely and, if I am found to be correct, will he please bring pressure to bear so that this situation can be corrected?

Senator Graham: I certainly can give that undertaking to Senator Forrestall. I will bring it immediately to the attention of the Minister of National Defence.

NATO FORCES IN FORMER YUGOSLAVIA—SUPPORT FOR INVOLVEMENT BY PUBLIC—GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, I wish to ask the Leader of the Government in the Senate a question concerning the state of public opinion in Canada on the Kosovo war. Public opinion polls taken a couple of weeks ago have shown that a majority of Canadians support the bombing. Yet last night on the CBC-televised *Town Hall* from Ottawa, a high proportion of the public interviewed on that occasion spoke against the war.

I want to inform the Leader of the Government, without any pretensions, that the following is in no form a scientific survey. However, in the past couple of weeks, my office has received 185 communications by e-mail, fax and so on. Of those, 69 per cent support my stand in opposition to the bombing, and 29 per cent oppose my stand and are in support of the bombing. I find these figures rather interesting in light of what is generally perceived to be public opinion in Canada.

What is the leader's view of the state of public opinion in Canada on this matter? Might that opinion now be shifting away from support for the continuation of the war?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would not regard the expressed opinions of the group assembled for the *Town Hall* meeting as an accurate barometer of public opinion in Canada. You would need to know the methodology used in selecting those who were invited to attend.

Senator Roche is correct in stating that the most recent public polls have indicated that the majority of Canadians are in favour

of the bombing. He has indicated, by his own sampling, that people who have responded to what he has said are in support of his position. It is a logical conclusion that the majority of people who would respond to Senator Roche's eloquent opinion would respond favourably, because he is quite persuasive by his very nature and by his experience. I simply point that out so honourable senators can understand how Senator Roche's poll could be so skewed in one particular direction.

However, I want to congratulate the Prime Minister for his excellent interview last night.

Some Hon. Senators: Hear, hear!

Senator Graham: He put Canada's position forward persuasively, and I think he reflected the real position of most Canadians.

UNITED NATIONS

NATO FORCES IN FORMER YUGOSLAVIA—STATEMENT BY UNITED NATIONS ASSOCIATION IN CANADA ON POSSIBLE INITIATIVE—REQUEST FOR RESPONSE

Hon. Douglas Roche: Honourable senators, whatever my personal persuasive powers, they certainly have not been sufficient to convince the Government of Canada to move away from its support for the bombing campaign.

I refer the Leader of the Government in the Senate again to the letter from which I quoted yesterday, in which Geoffrey Pearson asked the Prime Minister, on behalf of a prestigious body, the United Nations Association in Canada, to halt the bombing in order to give diplomacy a chance to work. The leader said that he would examine that letter. I would like to know the government's response to Mr. Pearson.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the letter in question was not sent by Mr. Pearson alone. There were other signatures on that letter. The government will not necessarily be responding directly to Mr. Pearson, although he was one of the signatories. The letter was directed to the Prime Minister, and I leave it to the Prime Minister to respond.

NORTH ATLANTIC TREATY ORGANIZATION

FORTHCOMING SUMMIT—PROPOSED INITIATIVES BY GOVERNMENT

Hon. A. Raynell Andreychuk: Honourable senators, I want to follow up on the meetings that are to be held with respect to NATO. The Leader of the Government has pointed out that the Prime Minister indicated that he would be party to any agreement in NATO and would follow NATO in whatever actions they take. I suppose that is commendable in the sense that we are not breaking ranks with NATO, but it certainly puts Canada in a following position rather than in a leadership position.

Is Canada bringing to the pending NATO meetings any proposals? Is it playing any mediation role? Is it bringing any facilitating structures, agreements or any kind of proposal that would help resolve the situation in Kosovo?

By following along, are we abandoning Canada's traditional leadership role? Are there any proposals forthcoming? I am not asking for their contents but simply whether they exist.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it would be presumptuous of me to indicate in advance what Canada's proposals might be. I leave that to the Prime Minister and the Minister of Foreign Affairs to bring to the table.

The honourable senator talked about Canada being a follower. Tell me if we were followers in peacekeeping efforts around the world. Tell me if we were followers in getting a land mines treaty signed. Tell me if we do not have the best reputation of any country among the most moderate in the world. Canada has provided leadership in many areas of the world and will continue to do so. If we are called upon to mediate, to provide solutions or to facilitate, Canada will always be at the ready.

Senator Andreychuk: Honourable senators, I join the Leader of the Government in complimenting Canada for its history. We have, in fact, initiated many concepts, including the peacekeeping one. We found a way out of the impasse in the United Nations on the land mines issue and came up with a new initiative.

I believe the world is at an impasse in the situation of how to deal with Milosevic. I am asking not for the content of the project but for what this government is doing to play an assertive role to find new and imaginative ways to bring this crisis to an end.

Senator Graham: Honourable senators, I repeat that Canada will bring its own views to the NATO meetings.

I wish to reiterate what I have said. The Prime Minister is in daily contact with the other allied leaders, be it President Clinton, President Chirac, Prime Minister Blair, or indeed President Yeltsin. As I indicated, he has even spoken once or twice with former prime minister Chernomyrdin. Foreign Minister Axworthy is also in daily contact with his counterparts around the world in an effort to find a solution.

We are putting our best efforts forward, and Canada will be an active participant in the NATO discussions in Washington in the coming days.

NATIONAL DEFENCE

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA— DEPLOYMENT OF GROUND TROOPS—GOVERNMENT POSITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the question is not whether Canada is an active participant in consultations and how wonderful we were in the past. The question is the following: It becomes more and

more apparent that ground troops will be necessary to go into the former Yugoslavia and Kosovo as a non-peacekeeping force. It is obvious that the military and NATO spokesmen are admitting that the bombing is taking longer than expected and not achieving what it was hoped to achieve. Even the Prime Minister said last night that, in his naïveté, he was premature in thinking that the bombing would, in a short time, achieve what is not being achieved.

To achieve a successful conclusion to any war means the engagement of soldiers in the field. NATO will have to decide this weekend, and Canada can lead in the matter, whether we are willing to make that commitment now or whether we will stick to the naïve belief there will be an accord with Milosevic that will allow NATO or a part of an international force to go in there as peacekeepers. Canada must bite the bullet and tell its allies whether we are willing to go in as a military force to succeed where bombing has not succeeded and does not appear to be succeeding.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, if the Leader of the Opposition is indeed advocating that we deploy ground troops for a mission other than peacekeeping, I shall bring his opinion to the attention of the Prime Minister. I will give that undertaking to do so as soon as we finish our proceedings today.

However, I do not think that decision can be taken by Canada alone. We work in concert with our 18 other NATO partners. We are cognizant also of the seriousness of such an undertaking, particularly with respect to the talks we have had with President Yeltsin and the Premier of China. Many factors must be taken into account in making such a decision.

At present, no decision has been taken with respect to the deployment of ground troops other than for peacekeeping duties. That situation may change during the discussions at the NATO summit in Washington in the next three days. I should hope that whatever decision they reach, it will be the right one.

Senator Lynch-Staunton: Honourable senators, the leader's answer is to the effect that my opinion might count in a decision, but I doubt it should and hope it does not. I am saying that now that we are committed: either we are committed to a successful conclusion to this operation or we remain caught in a morass of bombing that is not bringing about what we intended. Other than ground troops and all necessary support equipment they need to succeed, what other solution is there? What is Canada's view on this?

All we get from the Leader of the Government is, "We will go there; we will listen; we will consult; we will wait to see what our allies think." I like to think that Canada will go in there and say, "This is the way we think it should be done." It is either yes to ground troops, no to ground troops, more bombing, less bombing, back to the table, whatever.

All we are hearing is, "Thank you, Leader of the Opposition for your opinion. I will pass it on to the Prime Minister." I do not want my opinion passed on; I want to know the Government of Canada's opinion.

I was not too enthusiastic about the bombing, and I still am not, but once Canada committed, I became committed to a successful conclusion of this operation. It has become a major military operation in which Canada should be fully committed. I would like to know how far Canada's commitment goes. I would like to see Canada stand up and say "yes" or "no" to ground troops and war. Do not tell us we will wait for peace or some kind of an accord with a man we have maligned and called a dictator, and in whom we have no trust and regard as dishonest.

Is the government trying to tell us that we can arrive at an accord with Milosevic to allow a peacekeeping force to go in? The answer is no. It is either take the war to a successful conclusion or back out in shame.

Senator Graham: Honourable senators, I will tell you: Our commitment is to bring this conflict to a successful conclusion.

Senator Lynch-Staunton: How?

Senator Graham: We will leave that to Canada, our leadership, and our allies. I do not have the solution in my hip pocket. The honourable senator has expressed his opinion. I believe the leaders of NATO would want to listen to our military leaders and the people who represent us on the ground in that particular part of the world. I do not know that it would be up to me, and I think it would be unfair to ask me to determine Canada's position.

Senator Lynch-Staunton: Because it does not have one.

Senator Graham: I can tell honourable senators that Canada's position is to bring this particular situation to a successful conclusion.

Senator Lynch-Staunton: How?

Senator Kinsella: What is success?

ENVIRONMENT

RECOMMENDATION BY HOUSE OF COMMONS STANDING COMMITTEE AGAINST BURNING OF MOX FUEL—GOVERNMENT POSITION

Hon. Lois M. Wilson: Honourable senators, I have a question for the Leader of the Government in the Senate.

Yesterday the government responded to the recommendations of the House of Commons Standing Committee on Foreign Affairs and International Trade on Canada's nuclear disarmament and non-proliferation policy. I wish to ask a question concerning Item No. 8 in that response.

The committee recommended that the government reject the idea of burning MOX fuel in Canada because this option is totally unfeasible, but that it continue to work with other governments to address the problem of surplus fissile material. This recommendation was made by a parliamentary committee consisting of elected, accountable people in accord with testimony given by scientific experts, competent professionals, and concerned citizens in non-government organizations.

Despite this, the government does not endorse this recommendation. Part of the response says that the CANDU MOX option is viewed internationally as a feasible option.

I understand that the international input the committee heard and debated was from the International Atomic Energy Agency, and, having heard their opinion, the committee persisted in rejecting the idea of burning MOX fuel in Canada.

With such a convergence of opinion opposed to the burning of MOX fuel in Canada — which is a rare consensus, you must admit — on what grounds has the government denied the committee's recommendation? How does the government justify its rejection of such a decision, arrived at through a completely democratic method and represented by a convergence of expert scientific opinion, the measured judgment of a parliamentary committee, and informed citizens?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the government has accepted all the recommendations, except that particular one, which is under consideration at the present time. If indeed they proceed, it will be done only on a test basis.

Senator Wilson: I understand it is to be done only on a test basis, however, many think that if a test is successful, it will open the door. There is great dismay among people about why the government reversed and did not accept this recommendation. It shreds democracy and robs the government of any credibility. Therefore, I would appreciate an answer.

Senator Graham: Honourable senators, I shall attempt to bring forward a more complete answer in the very near future.

NATIONAL DEFENCE

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—DEPLOYMENT OF GROUND TROOPS—UNITS AVAILABLE

Hon. J. Michael Forrestall: Honourable senators, against the eventuality of sending in other than peacekeeping forces, do we have forces in Canada that are trained for other purposes than peacekeeping who we could send?

Hon. B. Alasdair Graham (Leader of the Government): The answer is yes.

INTERNATIONAL TRADE

LOSS OF FAVOURED EXEMPTION FROM INTERNATIONAL TRAFFIC IN ARMS REGULATIONS—POSSIBLE TRADE DISPUTE WITH UNITED STATES—COMMUNICATION BETWEEN MINISTERS

Hon. James F. Kelleher: Honourable senators, my question is for the Leader of the Government in the Senate. In yesterday's *National Post* we learned that the Minister of International Trade was never informed about the decision of the U.S. Department of State to put to an end Canada's special exemption under the U.S. international traffic in arms regulations, which controls the sale

of U.S. arms and defence-related technology. The International Trade Minister also said that he was not aware that a trade dispute was looming until he read about it in the *National Post*. According to the minister, and I quote:

That came out of left field. None of the officials had ever raised it with me. None of the Americans had ever made a point of it...

Honourable senators, this is strange, because on March 4, 1999, the Canadian Defence Industries Association released an important report warning that a U.S. crackdown in this area would mean a decline in exports and loss of jobs. This report was also asking the federal government to negotiate with the U.S. Department of State to reach an agreement. Later that same day, an aid to the Minister of International Trade declared that Canadian officials did know about the issue, but that the Minister of Foreign Affairs was dealing with this file.

Considering that this is not only a foreign affairs matter, and that the U.S. decision could jeopardize thousands of jobs in this country, can the Leader of the Government tell the chamber why the Minister of International Trade was not made aware, by the Minister of Foreign Affairs, that the U.S. Department of State was planning to end the Canadian exemption to the United States international traffic of arms regulations?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it might not be surprising to you that I do not have the answer to the honourable senator's question.

Senator Kelleher: Neither did Minister Marchi.

Senator Graham: The honourable senator is asking me to explain why Minister Axworthy apparently did not tell Minister Manley.

Senator Kelleher: No, no, Minister Marchi.

Senator Graham: Rather, why Minister Axworthy did not tell Minister Marchi. I am sorry, I really do not know.

Senator Carstairs: An honest politician.

Senator Graham: You may count on it, Senator Kelleher, that as soon as Question Period is over, and as soon as I get out that door, I will be in touch with Minister Marchi, Minister Manley, and Minister Axworthy to determine why each one of them apparently did not inform the other, and to ensure that that situation is corrected in the future.

FOREIGN AFFAIRS

LOSS OF FAVOURED EXEMPTION FROM INTERNATIONAL TRAFFIC IN ARMS REGULATIONS—POSSIBLE TRADE DISPUTE WITH UNITED STATES—INVOLVEMENT OF RESPONSIBLE MINISTERS

Hon. James F. Kelleher: Honourable senators, I have a supplementary question, and it will be a short one. I should like

to thank the Leader of the Government in the Senate for his frank answer.

Considering that during the NATO summit in the next few days the Minister of Foreign Affairs will meet his American counterpart to discuss this issue, and that this is more of a trade dispute and a defence affair than a foreign affairs matter, can the Leader of the Government tell us if the ministers of international trade and defence will meet with U.S. officials to try to solve this problem, even if until today they have been kept out of this file?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I can give the assurance to Senator Kelleher and to all honourable senators that Canada, through its ministers and its other senior officials, will put forth its best efforts to bring forward a solution which is favourable and acceptable to even Senator Kelleher.

DELAYED ANSWER TO ORAL QUESTION

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in Senate on March 25, 1999, by the Honourable Senator Oliver regarding changes to the Employment Insurance Act.

HUMAN RESOURCES DEVELOPMENT

CHANGES TO EMPLOYMENT INSURANCE ACT—REQUEST FOR FURTHER PARTICULARS

(Response to question raised by Hon. Senator Oliver on March 25, 1999)

Employment Insurance premiums are part of the revenue of the Government of Canada.

They are accounted for in a special account within the Consolidated Revenue Fund called the Employment Insurance (EI) Account.

Monies can only be charged to the EI Account to be spent for purposes of the Employment Insurance program, including payment of benefits and costs of administration of Employment Insurance.

Amounts credited to the Account which are not required for current Employment Insurance purposes are available for use by the government for general purposes, until they are required for Employment Insurance purposes.

The temporary use of surplus Employment Insurance funds does not result in any deduction from the EI Account. In view of the temporary use of employment insurance funds for general purposes the government credits the EI Account with interest.

ORDERS OF THE DAY

CANADA CUSTOMS AND REVENUE AGENCY BILL

THIRD READING—MOTION IN AMENDMENT NEGATED
ON DIVISION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, seconded by the Honourable Senator Bacon, for the third reading of Bill C-43, to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence,

And on the motion in amendment of the Honourable Senator Bolduc, seconded by the Honourable Senator Beaudoin, that the Bill be not now read a third time but that it be amended:

(a) in clause 53, on page 17, by replacing line 7 with the following:

“(2) Appointments under subsection (1) to or from within the Agency shall be based on selection according to merit as determined by competition or by such other process of personnel selection designed to establish the merit of candidates as the Agency considers is in the best interests of the Agency.

(3) The Commissioner must exercise the”; and

(b) by renumbering all cross-references accordingly

The Hon. the Speaker: If no other honourable senator wishes to speak, I will proceed with the question.

Honourable senators, the question is on the motion in amendment of the Honourable Senator Bolduc. Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of the amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the amendment, please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen.

The Hon. the Speaker: We will have a standing vote. Can the whips advise me as to the length of time for the ringing of the bells?

• (1430)

I understand that there is an agreement by the whips that there will be a 25-minute bell. Accordingly, the vote will take place at three minutes to 3:00 p.m.

Please call in the senators.

• (1500)

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk	Kelleher
Atkins	Kelly
Beaudoin	Keon
Bolduc	Kinsella
Buchanan	Lavoie-Roux
Carney	LeBreton
Cochrane	Lynch-Staunton
Cohen	Murray
Comeau	Nolin
DeWare	Oliver
Di Nino	Roberge
Doody	Roche
Forrestall	Rossiter
Gitter	Spivak
Gustafson	Stratton
Johnson	Tkachuk—32

NAYS THE HONOURABLE SENATORS

Adams	Mahovlich
Austin	Maloney
Bryden	Mercier
Butts	Milne
Callbeck	Moore
Carstairs	Pearson
Chalifoux	Pépin
Cools	Poulin
Corbin	Poy
De Bané	Prud'homme
Ferretti Barth	Robichaud
Fitzpatrick	(L'Acadie-Acadia)
Fraser	Robichaud
Gill	(Saint-Louis-de-Kent)
Graham	Rompkey
Hays	Ruck
Hervieux-Payette	Sparrow
Johnstone	Stewart
Joyal	Stollery
Kenny	Taylor
Kroft	Watt
Lewis	Whelan
Losier-Cool	Wilson—45
Maheu	

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, we are now back to the main motion. Does any other honourable senator wish to speak on the main motion?

On motion of Senator Stratton, debate adjourned.

EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Pearson, for the third reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence,

And on the motions in amendment of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., that the Bill be not now read a third time but that it be amended:

1. in clause 44:

(a) by replacing lines 28 and 29 on page 17 with the following:

“circumstances;

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner; or

(c) the request for extradition is made for”; and

(b) by replacing lines 1 to 6 on page 18 with the following:

“(2) Notwithstanding paragraph (1)(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances.”.

2. in Clause 2 and new Part 3:

(a) by substituting the term “general extradition agreement” for “extradition agreement” wherever it appears;

(b) by substituting the term “specific extradition agreement” for “specific agreement” wherever it appears;

(c) in clause 2, on page 2

(i) by adding after line 5 the following:

““extradition” means the delivering up of a person to a state under either a general extradition agreement or a specific extradition agreement.”;

(ii) by deleting lines 6 to 10;

(iii) by replacing line 11 with the following:

“ “extradition partner” means a State”;

(iv) by adding after line 15 the following:

“ “general extradition agreement” means an agreement that is in force, to which Canada is a party and that contains a provision respecting the extradition of persons, other than a specific extradition agreement.

“general surrender agreement” means an agreement in force to which Canada is a party and that contains a provision respecting surrender to an international tribunal, other than a specific extradition agreement.”;

(v) by replacing lines 20 and 21 with the following:

“ “specific extradition agreement” means an agreement referred to in section 10 that is in force.

“specific surrender agreement” means an agreement referred to in section 10, as modified by section 77 that is in force.”;

(vi) by replacing lines 29 to 31 with the following:

“jurisdiction of a State other than Canada; or

(d) a territory.

“surrender partner” means an international tribunal whose name appears in the schedule.

“surrender to an international tribunal” means the delivering up of a person to an international tribunal whose name appears in the schedule.”

(d) on page 32, by adding after line 6 the following:

“PART 3 SURRENDER TO AN INTERNATIONAL TRIBUNAL

77. Sections 4 to 43, 49 to 58 and 60 to 76 apply to this Part, with the exception of paragraph 12(a) subsection 15(2), paragraph 15(3)(c), subsections 29(5), 40(3), 40(4) and paragraph 54(b),

(a) as if the word "extradition" read "surrender to an international tribunal";

(b) as if the term "general extradition agreement" read "general surrender agreement";

(c) as if the term "extradition partner" read "surrender partner";

(d) as if the term "specific extradition agreement" read "specific surrender agreement";

(e) as if the term "State or entity" read "international tribunal";

(f) with the modifications provided for in sections 78 to 82; and

(g) with such other modifications as the circumstances require.

78. For the purposes of this Part, section 9 is deemed to read:

"**9.** (1) The names of international tribunals that appear in the schedule are designated as surrender partners.

(2) The Minister of Foreign Affairs, with the agreement of the Minister, may, by order, add to or delete from the schedule the names of international tribunals."

79. For the purposes of this Part, subsection 15(1) is deemed to read:

"**15.** (1) The Minister may, after receiving a request for a surrender to an international tribunal, issue an authority to proceed that authorizes the Attorney General to seek, on behalf of the surrender partner, an order of a court for the committal of the person under section 29."

80. For the purposes of this Part, subsections 29(1) and (2) are deemed to read:

"**29.** (1) A judge shall order the committal of the person into custody to await surrender if

(a) in the case of a person sought for prosecution, the judge is satisfied that the person is the person sought by the surrender partner; and

(b) in the case of a person sought for the imposition or enforcement of a sentence, the judge is satisfied that the person is the person who was convicted.

(2) The order of committal must contain

(a) the name of the person;

(b) the place at which the person is to be held in custody; and

(c) the name of the surrender partner."

81. For the purposes of this Part, the portion of paragraph 53(a) preceding subparagraph (i) is deemed to read:

"(a) allow the appeal, if it is of the opinion"

82. For the purposes of this Part, paragraph 58(b) is deemed to read:

"(b) describe the offence in respect of which the surrender is requested;" and

(e) by renumbering Part 3 as Part V and sections 77 to 130 as sections 83 to 136; and

(f) by renumbering all cross-references accordingly."

Hon. Gérald-A. Beaudoin: Honourable senators, I should like to say a few words on the first amendment moved by Senator Grafstein, seconded by Senator Joyal, which relates to clause 44 of Bill C-40. Clause 44, as it now stands, reads as follows:

(1) The Minister shall refuse to make a surrender order if the Minister is satisfied that

(a) the surrender would be unjust or oppressive having regard to all of the relevant circumstances; or

(b) the request for extradition is made for the purpose of persecuting or punishing the person by reason of their race, religion, nationality, ethnic origin, language, colour, political opinion, sex, sexual orientation, age, mental or physical disability or status or that the person's position may be prejudiced for any of those reasons.

(2) The Minister may refuse to make a surrender order if the Minister is satisfied that the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner.

Senator Grafstein proposed to change clause 44(b) to the following:

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner; or

Senator Grafstein proposes that clause 44(2) should read:

Notwithstanding paragraph (1)(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances.

This bill has been studied for hours in the Standing Senate Committee on Legal and Constitutional Affairs, and the debate continues in the Senate. I am not surprised. It is a question of the very highest order because there is a relation to the death penalty.

Under the present section 44(1), the minister "shall refuse" — he has no discretion — to make a surrender order in two cases and, pursuant to the existing section 44(2), the minister may refuse to make a surrender order if the conduct is punishable by death. The first subsection is, therefore, mandatory and the second is discretionary or permissive.

With the Grafstein-Joyal amendment, the mandatory provision of section 44(1) will include a new section 44(1)(b), and a new section 44(2) is provided for. In other words, with the amendment, the Minister of Justice will have to refuse the extradition in principle to countries or states where the death penalty is imposed, except if he or she has assurances that the death penalty will not be imposed or will not be carried out. Needless to say, the debate is a difficult one because it deals, in part, with the death penalty, which was abolished in Canada in 1976.

I believe that the Grafstein-Joyal amendment is inspired to a great extent by Amnesty International and the United Nations resolutions.

The current clause 44 of Bill C-40 attributes a discretion to the Minister of Justice in Canada in view of the particular geographic situation of our country. South of the border, the death penalty exists in many states. I am informed that it stands in 26 states.

As Senator Bryden has already said, the Supreme Court of Canada, in the *Kindler* case of 1991, has already said that the Canadian process in the domain of extradition does not violate section 7 of the Canadian Charter of Rights and Freedoms. The court of last resort has said that the extradition itself does not violate section 12 of the Charter, which deals with cruel and unusual punishment.

I agree with Senator Bryden on that crucial point. There is no direct case since 1982 on the question of whether or not the death penalty violates section 12 of the Charter. The reason probably is that the death penalty was abolished in our country before our Charter of Rights and Freedoms came into force in 1982. However, if someone were to try to re-establish the death penalty, then the Supreme Court may be called upon to express an opinion on whether that would be cruel and unusual punishment. As I said, however, there is no case directly on this point.

After listening to what has been stated thus far, I still would like to know whether Bill C-40 violates our international obligations, as has been reported in some newspapers. I should like to know a bit more about it, in particular from my colleague Senator Andreychuk, and some other people who are experts in the field of international questions and human rights.

The crux of the question for me is that each democracy has its own criminal law system. Most democracies have abolished the death penalty. For example, the greater number of countries in Europe have abolished the death penalty. However, not all democracies have done so. The Supreme Court of the United

States, for example, is interpreting the U.S. Bill of Rights including the death penalty, in many states of the United States. Our Supreme Court is doing the same thing with the Canadian Constitution and the Charter of Rights and Freedoms. The interpretation is not necessarily the same in Canada and in the United States in respect to some parts of the Charter, such as section 12 on the question of the death penalty.

I was impressed at the committee by the discretion that Bill C-40 gives to the Minister of Justice in clause 44. However, the Grafstein-Joyal amendment may do a lot also. We may offer obtain guarantees that the death penalty will not apply or will not be imposed, or that an agreement or guarantees will be reached. However, if we fail to obtain a guarantee as provided for in the proposed amendment to clause 44(2), there is no discretion with the new paragraph (b) in clause 44(1)(b). Is there discretion, or is there no discretion, or is there part discretion? That is what the debate is about.

As I said earlier, I was impressed by the report of the committee. However, since the amendments have been moved, we are now speaking on those amendments. They are interesting, and I should like to know a bit more from Senator Joyal, who is in favour of the amendment, and also from Senator Fraser, who is in favour of Bill C-40 as it is drafted. That is both an interesting and a delicate question, which is the way it should be.

[Translation]

Hon. Joan Fraser: Honourable senators, the amendment proposed by Senator Grafstein, seconded by Senator Joyal, address some fundamental issues of life and death. This merits the most serious and in-depth reflection, as well as a great deal of respect.

Yesterday, Senator Bryden gave us an excellent summary of the reasons why he cannot support these amendments. Today, as he always does, Senator Beaudoin has raised some questions that are as worthwhile as usual.

[English]

As we continue our consideration, I should like to add some further elements that may help in our reflections. I think we should think about the nature of a bill like this. This bill is designed to modernize our extradition system. It will replace laws that are two centuries old, and it will enable us to keep our international commitments, specifically the commitments to extradite accused war criminals to the international tribunals.

By definition, an extradition law is an instrument by which we create an interface with the laws of other countries. That is one of the prime things that it does, if not the prime thing. As soon as we talk about an interface with the judicial systems of other countries — and we should always bear in mind that we are talking about other countries with judicial systems that vary in respect; Canada does not extradite to countries in whose judicial systems it does not have confidence — they do not necessarily have the same laws that we have in Canada. Consequently, the interface will immediately, inevitably and inherently be a balance to

struck between protecting the rights that exist under Canadian law, which are infinitely precious, and achieving that necessary link with the other country's system. We must achieve the link because if we do not achieve it, then we cannot extradite, and we end up defeating the ends of justice, not serving them.

The issues raised in these amendments are not the only ones in this bill where this kind of tension arises. It arises also, for example, in the evidentiary requirements for extradition. Not all countries have the same rules of evidence that we do. Honourable senators, if you consider this bill, you will see that great effort has been expended to respond in a way that Canadians can find appropriate to this kind of tension.

On the matter of capital punishment, like most of us, I expect, I strongly oppose capital punishment. Like everyone in this chamber — except perhaps the pages — I remember how wrenching the debates were when we moved towards the abolition of capital punishment. Those are principles that matter deeply and are among the most important things that we, as legislators, can ever address.

We are legislators, not philosophers. We must try to pass laws that will function in the real world and that will serve the ends of justice in the real world, as best they can.

• (15:20)

In the real world, the first thing we must remember is that geographically we lie next to the United States of America. That is a great democracy with a great judicial system, but it does have capital punishment. As we all know, we have the world's longest undefended border with this neighbour. It is, therefore, not an illusion nor a propagandist trick but a hard fact to say that we must take into account the possibility of becoming a safe haven for serious criminal offenders from the United States.

History has shown that, from time to time, since the days of the American Revolution, and depending on the circumstances and the legal systems in the two countries, groups of Americans have sought refuge, a haven, here in Canada. It started with the Loyalists and went all the way through the Underground Railroad to the Vietnam War draft dodgers. Some of the people who came here we were glad and proud to welcome. Others, however, who have taken advantage of our undefended border when circumstances encourage them to do so have not been so welcome. I suppose prohibition is the best example of how American criminals took advantage of differing systems between the two countries. It could happen again.

When we pass a law such as this, we must think about the consequences, and either way there will be consequences. If we reject the amendments proposed by Senator Grafstein, yes, there is a possibility that we will extradite someone, possibly someone like Charles Ng, to the United States to face the death penalty. We will do so, Canada being the country that it is, only after agonizing public debate. However, if we remove the minister's discretion and if we say that the minister can never extradite even an offender such as Charles Ng, then we will be creating a safe haven for murderers. If we build that haven, they will come. They will come.

Furthermore, as Senator Bryden so rightly noted yesterday, if we refuse to extradite them, we must set them free. They are not accused of any crime in Canada. We have no jurisdiction to jail them here, so we will set them free.

That is why clause 48(1) says that if the minister refuses to surrender the person to the requesting country, the minister shall order the discharge of the person. I cannot imagine how, under our Charter of Rights, we could find any grounds for not discharging a Charles Ng to freely walk the streets of Canada.

Senator Grafstein says that becoming a safe haven is not our concern. He is more concerned with the fundamental principle of capital punishment. I respect his view profoundly, but I cannot share it.

I turn now to the question of a two-track system for international tribunals. With respect, I think the proposal put forward by Amnesty International, and supported by Senator Grafstein, is actually a recipe for a double standard of justice, and I do not think that that is an appropriate path for Canada. As Senator Grafstein has noted, Canada's record in the matter of war criminals has been deplorable. "Deplorable" was his word; I would use stronger words. Our record in the past on the war criminals has been one of the worst stains on our history. It is an ineradicable blot on our history.

I cannot believe, however, that as we move forward we will create justice by having a double standard in justice, by making it easier to extradite some people rather than other people. If I might quote from Senator Grafstein's remarks last week, he said:

...a two-track system is exactly what we need. Is there not a different level of morality tied into a crime against humanity? Is one murder co-equal to genocide? Yes, but should we not treat them somewhat differently, if possible?

There are no easy answers when one approaches the matter of genocide, but I cannot believe that simply because the crime of which one is accused is very serious, one should be denied the protection of Canadian law before extradition.

It is for these reasons that I find myself unable to support the amendments put forward by Senator Grafstein and seconded by Senator Joyal.

Hon. Herbert O. Sparrow: Honourable senators, might I ask a question of the honourable senator? Senator Fraser stated today — and it was referred to by previous speakers — that there is no provision for the deportation of criminals from Canada if, in fact, they cannot be processed under the extradition provisions. Is it not possible to have them deported because of entering Canada illegally? How could they remain in Canada without landed immigrant status or some form of acceptance as refugees and some granting of immigrant status in that regard?

It would seem to me that we could deport those criminals under some other provision without giving them landed immigrant status to remain in Canada. We are all aware that one cannot work in Canada without a certain work visa, or without landed immigrant status or Canadian citizenship.

Senator Fraser: Honourable senators, that is an interesting question, but in a sense it evades the issue. If we could deport such individuals to a third country, chances are quite strong that extradition proceedings would then begin in that country unless we were to deport them to some kind of safe haven for criminals, and I do not think we want to get into that business. Therefore, the same issues would arise. In a sense, we would be saying that we do not want to think about these issues, so let someone else do the dirty work.

Senator Sparrow: Honourable senators, I did not suggest deportation to a third country. I suggested deporting them to their country of origin. We are talking particularly about the United States. I refer to deportation to their home country as an illegal immigrant in Canada.

Senator Fraser: I would have the same reaction to that. I am not an expert on the laws of deportation, but if we send them back to the United States under any legal guise, they will then face the judicial system of the United States. Therefore, if we are concerned about the moral implications of our actions, we will not evade those moral implications simply by getting rid of them under the label of deportation rather than extradition.

Senator Sparrow: This has not been discussed in depth, but we have talked about people who have been convicted of a crime in the United States or in another country. What happens if they have not been convicted? What if they had come to Canada and were then charged with a crime in the United States which is punishable by capital punishment. What do we do then?

Senator Fraser: The whole procedure of the law comes into play. We are talking about the United States here, I assume. The United States can request extradition, and if it does so, it must satisfy Canadian courts and the Canadian government that extradition is justified. It must show sufficient evidence in order to conduct a trial for the named offence on the grounds of which extradition is being sought. We must satisfy the courts that the offence alleged to have been committed in the United States, if committed in Canada would be a serious offence under Canadian law. We are not talking about shoplifting here.

• 1530 •

If the courts rule that extradition is justified, then the minister still has discretion. The minister can seek assurances that the death penalty will not be sought or carried out. Sometimes, as we know, under the present system that is exactly what happens. Sometimes those assurances are given by the American state in question. The minister has no discretion if she or he believes that the extradition is being sought for reasons such as political offences or on discriminatory grounds that the Charter of Rights would prohibit. The minister does have discretion to say, "I will not extradite," or, "I will extradite even if the death penalty assurances are not given."

Hon. Anne C. Cools: Honourable senators, we have all enjoyed listening to the senator. How is such an assurance

offered to the minister in the instance of a person who has come to Canada, has been charged in the United States of America, and the state government is seeking his or her extradition? To the extent that the person has not yet been tried in the United States of America, and therefore presumably has not been found guilty, and has not gone through an entire proceeding with an outcome determined, how can such an assurance be given to the minister?

Senator Fraser: I am not sure of the precise details, the form of words used, but it is done on a government-to-government basis. The government that would be carrying out the death penalty assures the Government of Canada that it will not do so.

Senator Cools: I am just very curious that we are not involved in the business, as you said, of washing our hands of the dirty part of it.

In the case of the involvement of any of the states in the United States of America, what does that state do? Does it make a commitment to the Government of Canada that it will make an exemption for that particular individual, or that it will pass a particular statute to apply to that individual? I am curious to know how the other government can "assure," in our terminology, the minister here that in the event of that individual being found guilty and convicted in the particular state of the United States of America, that person will not feel the full weight of the law in that country. It seems to me we are engaging in a very subtle attempt to control someone else's law-making processes by virtue of our own processes here.

I am curious, and perhaps the honourable senator does not have the answers. I am aware of the situation. That is something that perhaps we could have clarified, because it appeases certain consciences, as you know, that someone will give an assurance that something will or will not be done. I want to be crystal clear, Senator Fraser, that we have not been indulging in the business of appeasing consciences, and that, if we check the records very carefully, we learn that those assurances are not assurances at all.

Senator Fraser: The honourable senator raises several interesting points. One, of course, is imposing our judicial system on other lands. We would not wish other lands to impose the judicial system on us. We try to avoid imposing ours on other countries. However, it is considered acceptable for governments to seek such assurances, as we have been discussing. Those assurances can be believed, essentially, because there, as here, is the state that conducts prosecutions and that carries out the death penalty, if the death penalty is to be carried out. If the state says, "We will not seek or implement the death penalty," we can assume it can be believed. Should a state break its word and fail to keep that assurance, clearly we have no sanction against it, but it would be a frosty Friday before we extradited anyone to that particular jurisdiction again.

On motion of Senator Joyal, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

CONTENTS

Wednesday, April 21, 1999

	PAGE		PAGE
SENATORS' STATEMENTS			
National Volunteer Week			
Senator Graham	3101	Senator Graham	3105
Senator Lavoie-Roux	3101	North Atlantic Treaty Organization	
Forthcoming Summit—Proposed Initiatives by Government.			
Volunteerism and the International Year of Older Persons		Senator Andreychuk	3105
Senator Maloney	3102	Senator Graham	3106
Violence in Society			
Senator Taylor	3102	National Defence	
Air Strikes by NATO Forces in Former Yugoslavia—Deployment of Ground Troops—Government Position.			
		Senator Lynch-Staunton	3106
		Senator Graham	3106
ROUTINE PROCEEDINGS			
Coastal Fisheries Protection Act			
Canada Shipping Act (Bill C-27)			
Bill to Amend—First Reading.	3103	Environment	
Recommendation by House of Commons Standing Committee against Burning of MOX Fuel—Government Position.			
Compassion for Citizens Suffering Loss of Autonomy		Senator Wilson	3107
Notice of Motion to Establish Day of Recognition.		Senator Graham	3107
Senator Hays	3103	National Defence	
Air Strikes by NATO Forces in Former Yugoslavia—Deployment of Ground Troops—Units Available. Senator Forrestall			
		Senator Graham	3107
Visitors in the Gallery			
The Hon. the Speaker	3103	International Trade	
Loss of Favoured Exemption from International Traffic in Arms Regulations—Possible Trade Dispute with United States—Communication Between Ministers. Senator Kelleher			
		Senator Graham	3108
QUESTION PERIOD			
United Nations			
Conflict in Former Yugoslavia—Initiatives by Canada within Security Council to Resolve Situation. Senator Kinsella			
Senator Graham	3103	Foreign Affairs	
Loss of Favoured Exemption from International Traffic in Arms Regulations—Possible Trade Dispute with United States—Involvement of Responsible Ministers. Senator Kelleher			
Senator Graham	3103	Senator Graham	3108
Immigration			
Conflict in Former Yugoslavia—Distribution of Financial Aid for Refugees—Government Position. Senator Prud'homme			
Senator Graham	3104	Delayed Answer to Oral Question	
Senator Graham	3104	Senator Carstairs	3108
National Defence			
NATO Forces in Former Yugoslavia—Deployment of Ground Troops—Units Available—Government Position.			
Senator Forrestall	3104	Human Resources Development	
Senator Graham	3104	Changes To Employment Insurance Act—Request For Further Particulars.	
Question by Senator Oliver			
NATO Forces in Former Yugoslavia—Deployment of Ground Troops in Active Service—Benefits of Veterans Status—Government Position. Senator Forrestall		3104	Senator Carstairs (Delayed Answer)
Senator Graham	3104	3108	
ORDERS OF THE DAY			
Canada Customs and Revenue Agency Bill (Bill C-433)			
Third Reading—Motion in Amendment Negatived on Division—Debate Continued.			
Senator Graham		3109	
Extradition Bill (Bill C-40)			
Third Reading—Motions in Amendment—Debate Continued.			
Senator Beaudoin		3111	
Senator Fraser		3112	
Senator Sparrow		3113	
Senator Cools		3114	
United Nations			
NATO Forces in Former Yugoslavia—Statement by United Nations Association in Canada on Possible Initiative—Request for Response. Senator Roche			
		3105	



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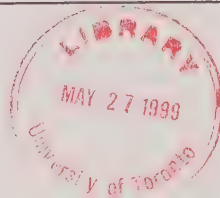
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OFFICIAL REPORT
(HANSARD)

Thursday, April 22, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Thursday, April 22, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

CANADA BOOK DAY

Hon. Joyce Fairbairn: Honourable senators, tomorrow Canadians of all ages will celebrate reading on our fourth annual Canada Book Day. There will be events in cities, towns and villages throughout the country. Writers and performers will be out in force, reading and signing, singing and acting. There will be awards and contests, prizes, parties, and a wide variety of events for children.

In my home town of Lethbridge, Alberta, Macabee's bookstore will have contests for poetry and bookmark designs. A percentage of every customer's contribution will be sent to local schools for the purchase of books.

The fundamental message of the day is that reading is important from the earliest years on, for knowledge, for entertainment and for comfort. Another important message is that literacy is the path that leads to reading and life-long learning. All sectors of our society must accelerate their efforts to encourage children to read, and to offer assistance and hope to the more than 40 per cent of our adult Canadians who face each day in varying degrees of coping with routine reading, writing and numerical tasks, with degrees of difficulty in things that all of us in this chamber would take for granted.

Traditionally, this special day promotes sharing and exchanging books with friends. This year the slogan is "make a date with a good book." For the past three years, I have shared a book with my friend Senator John Lynch-Staunton. I am not sure whether this year I should be asking him for a date as well, but I do wish to offer him a gripping read with *Kiss of the Fur Woman*, by our outstanding Canadian author, Tomson Highway.

I hope you enjoy it, Senator Lynch-Staunton. It is a pleasure to keep up the tradition.

Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I had hoped last year, while marking Canada Book Day, to give Senator Fairbairn a framed copy of Bill S-10 after it had been given Royal Assent; that being the bill which calls for the removal of the GST on reading materials, which I know in her heart she still supports. Unfortunately, the

bill is still before us. Perhaps next year I will be able to bring in that framed copy.

•(1410)

Meanwhile, I want to make two presentations to Senator Fairbairn. One will replace last year's gift, which I could not do then, and one is for this year. When Senator Fairbairn reminisces about her beginnings in Ottawa, she tells us that she came here as a young journalist, and that her heart is still with the media, and with journalism generally. I thought it only appropriate, therefore, that I offer to her the latest book by Bill Fox, a former journalist with the *Montreal Gazette* who became Prime Minister Mulroney's press secretary and who will be officially launching his book in Ottawa next week. It is called *Spin Wars*.

I know also that Senator Fairbairn has a very special commitment to the role of women in all professions, and certainly in government and in politics. My second book to her is the story of the one of the most distinguished women — if not the most prominent woman — in this Parliament today. It is biography, fortunately authorized, of Elsie Wayne. The unauthorized one is unlikely to pass muster.

I hope Senator Fairbairn will enjoy both books.

Senator Fairbairn: Thank you.

The Hon. the Speaker: I take it, honourable senators, that leave was granted for these effusions of love between the honourable senators.

Hon. Senators: Hear, hear!

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND

REFORM OF HOUSE OF LORDS

Hon. Jack Austin: Honourable senators, I like the mood in the chamber at this moment. I hope you will indulge me if I try to extend it into another area because I believe this is an appropriate moment to draw to the attention of the Senate two events which are 350 years apart but which focus directly, and in the most contemporary way, on the nature and role of this chamber.

The key figure in the event of 350 years ago was Oliver Cromwell, by that time Lord Protector of the Commonwealth of England, Scotland and Ireland. The 400th anniversary of his birth is April 25, 1999. Was he a tyrant and usurper, or an enlightened figure who sought the unity of the country in dissident times? We can leave that debate to others. I am concerned here with the quarrels of that day over the House of Lords.

Senators will recall that the critical concerns of the Puritan revolution were the supremacy of the Protestant faith and the issue of ultimate sovereignty, whether by divine right or in the hands of the people themselves. The Puritans saw the House of Lords as an extension of the power of the King, and therefore concluded that to undermine the royal prerogative, they must destroy the power of the House of Lords. One Puritan member wrote:

The Peers were the sons of conquest and usurpation. They were not made by the people.

Another stated:

If an Upper House disagreed with the Commons, how could a government go on?

A response in a 1648 pamphlet entitled, "A Plea for the Lords" argued:

Peers since Magna Carta had shown they were not apt to be overawed by the King —

— or what we today might call executive power —

— and they would also be harder to bully or seduce by a Commons seeking its own grandizement at the expense of the public welfare.

Shortly thereafter, in late 1648, the Lords rejected the bill to bring Charles I to trial for treason against the Parliament. No Peer spoke in favour. The King was condemned to death without the approval of the Lords, and executed on January 30, 1649.

In the debate in the Commons, which concluded on March 19, 1649, the commons passed the "Supreme Bill" abolishing the Upper House by a vote of 44-29. The proposer of the bill stated:

The House of Lords was useless and dangerous and should be abolished.

The Peers were not consulted. Prior to the final vote, Oliver Cromwell told the Commons that "they were mad to alienate the Peers."

One compromise proposed that the Peers and the Commons sit as one house, but Cromwell opposed the idea because "the Peers would exercise too much influence. Thus from 1649, England survived without a monarchy for 11 years, and with no House of Lords for eight of those years.

However, the debate never ceased. A pamphlet in 1655 argued:

The Lords were the guarantors of law and liberty.

Another part of the pamphlet said:

Government by a single chamber was dangerous, not a Commonwealth but an oligarchy — the rule of a dominant gang — and not by the checks and balances of the whole of the people.

In 1657, Cromwell told the Puritan Army leaders:

You are offended at a House of Lords. I tell that you that unless you have something of a balance, you cannot be safe.

He then quoted Charles I in Charles' 19 articles to the House of Commons saying:

The Upper House was to be a safety barrier...an excellent screen and bank...between the Army and the Commons.

Cromwell went on:

An Upper House will provide a great security and bulwark to the honest interest, not being so uncertain as the House of Commons, which depended upon election by the people.

The Hon. the Speaker: I regret to interrupt but the honourable senator's three-minute time period has expired.

Senator Austin: May I go on?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Austin: The Commons rejected Cromwell's appeal. In late 1658, Cromwell died, to be succeeded for less than a year by his son Richard Cromwell, and the Restoration officially reinstated the House of Lords on May 29, 1660.

On November 24, 1998, the Queen made what is possibly her last speech to a House of Lords composed of hereditary peers. The Speech from the Throne of the Blair government announced the removal of the right of hereditary peers to sit and vote, the issuance of a white paper to set out the arrangements for a system of appointment of life peers, and the establishment of a royal commission to make proposals for the further reform of the House of Lords.

The Blair government's bill to remove hereditary peers began debate in the House of Lords on March 29, 1999. Meanwhile, a proposal by the Cross Bench Lords to maintain 91 hereditary peers until the royal commission reports to Parliament has been accepted by the Blair government.

The royal commission, headed by Lord Wakeham, Conservative, has outlined the major issues it will consider examining the role and function of a reformed House of Lords. Some highlights are:

1. The review of legislation and delegated powers.
2. Scrutiny of the use of executive power by the Cabinet.
3. Special investigations.
4. Major public appointments.
5. Whether organized religion should be represented.
6. Whether partly elected and partly appointed.
7. Greater independence from political party discipline.
8. More representative of society as a whole.
9. The size of the House of Lords, salaries and access to resources.

Unlike 350 years ago, the value of the Upper House is not in dispute. The issue is to make it both more representative of Britain's demography and more effective as a chamber of review and protection of the Constitution and the rights of the people.

Our Senate has never been troubled by the hereditary issue but, in other ways, we may have lessons to learn from the current debate in Britain, just as they may have some things to learn from the Canadian Senate. Certainly the two systems seem to be on a convergent path.

BRITISH COLUMBIA COASTAL PARLIAMENTARIANS GROUP

Hon. Pat Carney: Honourable senators, I would like to report to the chamber on further developments in the formation of a British Columbia Coastal Parliamentarians' group. A resolution endorsing the concept of an all-party, non-partisan parliamentary group representing the MPs, MLAs and senators on the coast was passed at the 1998 Conference of Coastal Communities in Duncan.

The Coastal Community Network, or CCN, is B.C.'s only coast-wide organization representing the needs and interests of more than 40 coastal villages and towns in 10 regional districts and three tribal councils on Canada's West Coast.

On April 9, 1999 at the CCN's annual conference and trade show in Richmond, federal and provincial parliamentarians representing coastal British Columbia met for the inaugural meeting of "Coastal Parliamentarians." The meeting gave attendees from all parties an opportunity to exchange information and discuss issues of concern to coastal communities. This included pending legislation affecting coastal communities, including Bill C-48 with respect to marine protected areas, which will come to this chamber; fisheries problems, the moratorium on the development of British Columbia's offshore oil and gas resources, bottlenecks in the delivery of federal-provincial programs, the deterioration of coastal communities, and the abandonment of docks and wharves in isolated communities.

•(1420)

The theme that emerged from the meeting was that if coastal communities are to achieve economic diversification, government programs and access to resources must change. Regardless of whether the jurisdiction is federal or provincial, we need to pursue long-term strategies and find new ways of using resources.

Our group heard from Johannes Nakken, State Secretary of the Norwegian Ministry of Fisheries, who discussed Norway's experience with offshore oil and gas resources and aquaculture.

"Coastal Parliamentarians" found the gathering informative and useful, and agreed to continue to meet in conjunction with the Coastal Community Network.

Those present included three provincial cabinet ministers, Joy MacPhail, Dennis Streifel and Ian Waddell; three federal members of Parliament, John Duncan, Svend Robinson and Peter

Stoffer, who is from the East Coast; one senator, myself, serving as inaugural chairman; six provincial MLAs, including Murray Coell, Ida Chong, Evelyn Gillespie, Glenn Robertson, Doug Symons, John van Dongen; eight mayors and councillors from coastal communities, including the mayor of Port Hardy; and a representative from the office of the federal Minister of Fisheries and Oceans.

The group also heard a report compiled with data from the B.C. 1998 fourth-quarter regional statistics showing that coastal communities have been in steady decline since 1995, a decline that is slowly diminishing the quality of life on B.C.'s coast. The fishery is at an all-time low with regard to employment. DFO reports estimate that by 2000 a total of some 15,510 jobs will have been lost in the sports and commercial fishery since the early 1990s. The coast needs rebuilding strategies that will foster future abundance. If there are no fishermen left in the communities, as has been predicted, then the fishery will be of no benefit to the communities.

As of February, 1999 employment in B.C.'s forest industry has plummeted by 26.7 per cent from the same period in 1998. Tourism has been a good news story, but only for parts of the area. All coastal regions, except in Greater Vancouver, experienced a decline in retail activity in the third quarter of 1997. It was found that the further the community was located from the large urban centres, the worse the numbers got, indicating the effects of the decline in the fishing and forestry sectors of the coastal communities.

For instance, last year the communities in Skeena—Queen Charlottes experienced a 271 per cent increase in the annual number of bankruptcies compared to 1994.

The Hon. the Speaker: I regret to have to interrupt the Honourable Senator Carney, but her three-minute time period has expired.

Is leave granted for the honourable senator to continue?

Hon. Senators: Agreed.

Senator Carney: The structural changes in British Columbia's coastal economy make it critical in the context of the conference on the economic development of coastal communities to look at the coast's challenges and to develop a long-term approach.

The Hon. the Speaker: Honourable senators, the 15 minutes allotted for Senators' Statements has expired. I have two honourable senators who wish to make statements. Is it your wish, honourable senators, that they be allowed to make their statements?

Senator Prud'homme: That is the problem when we do not follow the rules.

Senator Lynch-Staunton: Look who's talking!

The Hon. the Speaker: Is leave granted to extend the time for Senators' Statements?

Hon. Senators: Agreed.

GENOCIDE OF ARMENIAN PEOPLE

COMMEMORATION OF EIGHTY-FOURTH ANNIVERSARY

Hon. Shirley Maheu: Honourable senators, this year will mark the eighty-fourth anniversary of the Armenian genocide. I would like to express my deepest sympathy and support to the Armenian people.

Honourable senators, we must never forget the events that took place in 1915, events which cost the lives of more than 1.5 million human beings. Some have tried to minimize the importance of the atrocities that were committed back then. However, I believe we should not be afraid to use words that describe the horrible crimes that were committed.

On April 25, 1993, the Right Honourable Jean Chrétien said:

I send my sincere greetings to all members of the Canadian Armenian community who will gather to commemorate the 78th anniversary of the Armenian genocide.

This occasion is an opportunity to remember the sacrifices of your ancestors — and a very tragic event in your history. It is also an opportunity to take pride in the lives that you and your families have built here in Canada.

As Canadians, we all have much to be thankful for. We live in a country whose immense beauty and wealth of resources are only surpassed by the warmth and generosity of its people. Over the decades, the diverse origins of Canadians have enriched this land and made us strong. The Liberal Party stands by the preservation and development of Canada's multicultural society.

[Translation]

Honourable senators, a number of parliaments around the world have formally recognized the Armenian genocide. This recognition enables Armenians the world over to turn the page on this sad chapter of their collective history and resolutely face the future.

We must remember this massacre so that such events are not trivialized and never recur, because those who forget the past are condemned to relive it.

Finally, I want to reiterate my words of sympathy to the Armenian people and to encourage Canada's Armenian community in its efforts to keep the memory of this historic reality alive.

[English]

THE LATE WALLACE PIKE

TRIBUTE

Hon. Bill Rompkey: Honourable senators, I rise today to mourn the passing of Wallace Pike, the last remaining

Newfoundland and Labrador veteran of World War I. Wallace Pike has died at the age of 99.

One of his 50 grandchildren declared after his death on Sunday:

We lost two great ones this week. We lost Wayne Gretzky, who was number 99, and we lost Poppie, who was 99.

Indeed, Wallace Pike was a hero. He lied about his age in order to enlist in the Royal Newfoundland Regiment. Full of the adventure and patriotism of youth, Wallace Pike left the peace and tranquillity of a small fishing village in Bonavista Bay for the killing fields of France and Belgium.

We can only imagine the horrors that confronted those courageous Newfoundlanders and Labradorians who were no much more than boys. In the fall of 1917, Pike and his fellow soldiers found themselves in a trench across the road from a company of Germans. He was to write later:

It was real dark. I had to watch over the top, and then crouch down and peer through the dark trench to make sure that none of the Germans would get down to us. The only company I had were the groans of a wounded comrade.

After the war, he joined the Salvation Army where he rose to the rank of brigadier. He told the CBC before he died that he decided to join the Salvation Army because "when I was overseas I had to kill men, and now I thought maybe I could help save them."

We have lost not just a hero; we have lost a part of history. Jack Granatstein has asked, "Who killed Canadian history?" So often when Canadian history is written, the record of this province before 1949 is absent.

Wallace Pike was just one of over 6,000 young men and women from what was then a very small nation who gladly, even eagerly, volunteered themselves and their lives to defend what they saw as their heritage. We raised our own regiment and Wallace Pike was present at Cambrai when the adjective "Royal" was permanently fixed to the Newfoundland Regiment.

Of the over 6,000 who enlisted in the First World War, 1,300 were killed, 2,300 were wounded, and 180 were prisoners of war. At Beaumont Hamel alone, of the 778 who went over the top into enemy gunfire on July 1, 1916, only 68 answered the roll call that night. For a small place like ours, the flower of a generation was wiped out in a matter of hours.

We salute today Wallace Pike, the last Newfoundlander who served in that defining conflict. Like my generation, Wallace Pike was not born a Canadian. However, like others of his generation, he chose to join Canada. Even before he did, he fought for those values and that heritage that we all cherish so common, and for that freedom that we all hold dear, no matter where we live in this country.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I call the next item, it is fitting for me at this time to draw to your attention a delegation in our gallery. It is a delegation from Holland led by His Worship D.J. Verhoeven, the Mayor of Holten, Holland. He is accompanied by Mr. Gerry van't Holt and some of his group from the Foundation Welcome Again Veterans.

The Dutch group is here to deal with the Canadian authorities in the matter of the commemoration of Canadian war dead in Holland. We welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

•(1430)

QUESTION PERIOD

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA—DEPLOYMENT OF
GROUND TROOPS—AVAILABILITY OF SUPPORT ELEMENTS—
GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. It has been reported in the press that some 600 to 800 members of an armed regiment are now ready to go to Europe. There is no mention, however, of support elements. I am thinking particularly that there is no mention of helicopters or any of the other support elements that would normally go off to battle with a group that size.

Could the Leader of the Government clarify for us whether the 600 to 800 includes all of the support elements, in fact leaving far fewer soldiers than that number might imply?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I have been assured that all of the support elements to which my honourable friend Senator Forrestall alludes will accompany any Canadian forces deployed, whether or not the total number rises to the maximum number of 800. The numbers we have been given range from 500 to 800.

Senator Forrestall mentioned last week the number of 2,000. The information that he received at that time was incorrect.

Senator Forrestall: I would be careful with that.

Senator Graham: The honourable senator can rely on his sources, and he obviously has very good sources within the Canadian forces, but I believe that his figure of 2,000 was inaccurate. I stand by what I said in that respect.

I would think that the total forces to be deployed, if it were in the area of 800, would include the support forces as well.

NATO FORCES IN FORMER YUGOSLAVIA—DEPLOYMENT
OF GROUND TROOPS—LENGTH OF TRAINING PERIOD

Hon. J. Michael Forrestall: Honourable senators, in fact, we do not have 800. We have a reconnaissance squadron, a helicopter squadron, some medical help, and a whole variety of other numbers, so the number is somewhat less than the 500 or 800 the minister suggests.

The minister is the one who referred to an infantry battalion group, which of course is far from the numbers we are talking about here. Would the minister tell me why it is that these combat-capable troops would require a 45-day to 60-day period once on site to be fully operational?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the cornerstone of Canada's defence policy is a multi-personnel, combat-capable armed forces. We also have an obligation to uphold the commitments we made to the NATO alliance 50 years ago.

Canadian Forces personnel at CFB Edmonton have completed their training and will soon be ready to deploy as required, but only to enforce a peace agreement.

FOREIGN AFFAIRS

CONFLICT IN FORMER YUGOSLAVIA—
EFFORTS BY GOVERNMENT TO END WAR

Hon. Douglas Roche: Honourable senators, my question is to the Leader of the Government in the Senate. Every day I open the newspapers and turn on the television, hoping, even daring, to expect that the Canadian government will take an initiative to end this catastrophic war in Kosovo and Serbia. Every day I am disappointed to see the carnage and the unbelievable suffering in both places and to note that the Canadian government is doing nothing except nodding assent to whatever NATO wants to do. This same NATO has blundered into the worst global crisis since the end of the Cold War. The Canadian government says it is talking, consulting, and thinking. Meanwhile, countless people are dying.

When will the government do something — propose a plan, activate the United Nations, bring in the Organization for Security and Cooperation in Europe? When will the government tell us what it will do to end this war?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I generally admire the representations put forward by Senator Roche, but I must take strenuous exception to what he has said today. To suggest that Canada is acting in a role of nodding assent is unfair. It is particularly unfair to the Canadian forces in the Balkans supporting our commitments to NATO and representing Canada in a courageous and commendable way.

Some Hon. Senators: Hear, hear!

Senator Roche: Honourable senators, I asked what the Canadian government is actually doing.

CONFLICT IN FORMER YUGOSLAVIA—EFFORTS BY
GOVERNMENT TO END WAR—COMMENTS BY LEADING FIGURES

Hon. Douglas Roche: Honourable senators, I should like to draw to the attention of the government a statement by the former prime minister of Canada, Brian Mulroney, who said that the government should be demonstrating leadership by using its seat on the UN Security Council to seek a negotiated solution to end the war.

If that citation is too partisan, I can give citations of the Canadian church leaders, an ecumenical group that came to Ottawa last week to lead for a stop to the bombing.

I can give a citation of Robert McNamara, the former secretary of defence of the United States, who was in Ottawa a few weeks ago. He said in *The New York Times* yesterday that we are on the verge of making the same kind of tragic mistakes that were made in Vietnam by not getting out fast.

My final citation — I hope that the leader will not quarrel with this one — is from Geoffrey Pearson. For the third day in a row now, I rise to ask what the government will do about Mr. Pearson's letter to the government on behalf of the United Nations Association in Canada, one of the most prestigious bodies in the country, calling for a halt to the bombing on behalf of the United Nations Association.

Is not that enough evidence? How much more do we need?

Hon. Alasdair B. Graham (Leader of the Government): Honourable senators, my honourable friend was kind enough to send me a copy of the letter from Mr. Pearson. It is a letter directed to the Prime Minister of Canada, and I do not know whether it has reached his hands yet. I think it is very inappropriate for me to comment on a letter before the Prime Minister has either seen it or responded to it. He will respond in good time to Mr. Pearson, who himself is a former respected diplomat.

●(1440)

We will discuss our approach to the crisis with our NATO allies at the Washington NATO summit this week. Our first concern must be for the fate of displaced people in Kosovo. One thing remains clear, that Milosevic must comply with the terms set out by NATO and restated in recent days by the Secretary-General of the United Nations as well as by representatives of the European Union.

Honourable senators, we could stand by and watch Milosevic create more carnage in that part of the world and spread it into other countries.

Senator Roche: Bring the UN in!

Senator Graham: However, we had to do something.

Senator Roche continues to refer to the Security Council of the United Nations. We know that we cannot get agreement because of the veto that is held by both China and Russia. Consultations continue between our Prime Minister and the Prime Minister of

China, and President Yeltsin, as well as between our foreign minister, our Prime Minister and our NATO allies.

Honourable senators, this is serious business. We are acting in a manner that we think is most responsible. We are partners in the NATO alliance, as we have been for the past 50 years, and we took part in the NATO decision, along with all our NATO allies.

Some Hon. Senators: Hear, hear!

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA— DEPLOYMENT OF GROUND TROOPS—GOVERNMENT POSITION

Hon. John Lynch-Staunton (Leader of the Opposition): My supplementary, honourable senators, is based on the search for knowledge of Canada's position on sending ground troops into a war zone.

I base my question on an article in today's *Montreal Gazette* which reproduces, word for word, an answer the Prime Minister of Great Britain gave in the House of Commons yesterday. The headline is: "Must prepare for troops, Blair says." Therefore, we know where Great Britain stands on this. The headline also reads: "NATO to get call to ready for ground war; Canada is committed to follow alliance..."

My interpretation of that is not leadership, it is to follow the alliance. In his answer to the question, the Prime Minister said:

And if some day we're confronted with the necessity to change, to send some ground troops, we will do so with the others.

What we wish to know is: What is Canada's position on the sending of ground troops? Is it just to follow what the majority says, or is it to go to the alliance and say, "Look, there are other alternatives"?

Can we get these people back to the table? Can we get involved in some sort of mechanism to at least create a lull? Is there not an alternative? Where is Canada's role in this matter? Instead, we are told by the Prime Minister that if NATO decide to send troops we will send them, too. That is not leadership.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, there are 19 members of the NATO alliance.

Senator Lynch-Staunton: So?

Senator Graham: We are partners of that NATO alliance.

Senator Lynch-Staunton: So?

Senator Graham: Canada is always providing a leadership role in initiating discussions, not only with our NATO allies, but with Russia and China, as well as with Ukraine, as was mentioned by Senator Andreychuk the other day. We will have discussions with our NATO allies at the NATO conference that is being held in Washington in the next few days.

Honourable senators, our policy on Kosovo has been clear from the outset. Our goal remains the safe return of the Kosovars to Kosovo.

Senator Lynch-Staunton: Honourable senators, I have a final supplementary question, and the answer I hope will be "yes" or "no": Is Canada in favour of NATO sending ground troops into the Balkan region, "yes" or "no"?

Senator Graham: Honourable senators, that is a matter that will be discussed at the NATO meetings in Washington.

Senator Lynch-Staunton: What is our position?

Senator Graham: Perhaps I could ask the Leader of the Opposition where his leader stands on the question of sending troops into that particular part of the world.

Senator Lynch-Staunton: Honourable senators, it is not for the Leader of the Government to ask the Leader of the Opposition what his leader's position is. However, I can tell you what our leader's position was when he was prime minister during the Gulf War crisis. He consulted Parliament. He had votes in Parliament and he kept Parliament informed day after day through the Minister of Foreign Affairs. He made efforts to ensure that the Gulf War was fought with the approval and the sanction of the United Nations. Where is Prime Minister Chrétien during the current crisis? Waiting to be told what to do.

Senator Oliver: Bring them home!

Senator Graham: I have already indicated and the Prime Minister has stated that if ground troops are to be sent into Yugoslavia for purposes other than peacekeeping, there will be discussions in Parliament.

Senator Lynch-Staunton: What about a vote?

Senator Graham: I have indicated to the Leader of the Opposition, and I so inform all honourable senators who have been requesting a briefing, that I have arranged, on behalf of the Senate, briefing sessions which have been tentatively scheduled for early next week. Hopefully, the Minister of Foreign Affairs and the Minister of National Defence will appear. I shall inform honourable senators no later than tomorrow when and where those briefings will take place.

Senator Lynch-Staunton: If we got an answer, there would be no debate.

NORTH ATLANTIC TREATY ORGANIZATION

FORTHCOMING SUMMIT—DEPLOYMENT OF GROUND TROOPS AS AGENDA ITEM—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators I have a supplementary question. The Prime Minister has been quoted as saying that he expects NATO leaders to discuss ground troops at the meetings this weekend.

Could the Leader of the Government in the Senate advise us as to whether the Prime Minister has asked that the issue of ground troops be discussed at the NATO meeting?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I have not seen the agenda, nor have I seen any specific request from the Prime Minister to NATO. It is inevitable and obvious that such a question will be discussed at the meeting of the NATO members.

Senator Andreychuk: Honourable senators, is the leader saying that it is obvious that the Prime Minister will be asking the question? Is he saying that he expects that others, perhaps, will raise the question? My question is, has the Prime Minister asked to have this issue put on the agenda?

Senator Graham: Honourable senators, I do not know if the Prime Minister has asked that question specifically. Perhaps the Secretary-General of NATO or a member of the NATO alliance has asked that question.

Allied governments have not considered the deployment of ground troops in any other scenarios, although this issue could be discussed over the course of the NATO summit.

Senator Andreychuk: Honourable senators, there has been a tradition in NATO that all countries work together and that issues that affect one, affect all.

If Prime Minister Blair is now saying ground troops should be discussed, are we to infer that it is on the agenda, or is he breaking the traditional rule of NATO that such issues are discussed within the confines of the meeting and not in the press?

Senator Graham: I do not know that it is in anyone's interest that the agenda of the summit be discussed in advance in the press. However, if Prime Minister Blair has indicated that he wishes the item to appear on the agenda, I am sure it will be discussed.

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA— USE OF NUCLEAR WEAPONS—GOVERNMENT POSITION

Hon. Pat Carney: Honourable senators, as you know, Canada has been a strong advocate and supporter of the Treaty on the Non-Proliferation of Nuclear Weapons. Could the Leader of the Government in the Senate tell us whether Canada has a position on the use of nuclear weapons in the current crisis?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, yes, we do have a position: It is no first use. That subject would be a new element to the discussions. I know that nuclear disarmament will be discussed at NATO. That is a sensitive question and I should hope that we will not be venturing into that area. Knowing Canada, the Prime Minister, the Minister of Foreign Affairs and the Minister of Defence, I do not think that that possibility would ever be entertained.

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—
CF-18 BOMBING IN RECENT FORAY DEPICTED
IN NEWS MEDIA—DENIAL BY OFFICIALS—
RESPONSIBILITY OF GOVERNMENT

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate. A few days ago, members of the government criticized a member of my party in the other place for asking a question about the deployment of a Canadian forces unit in Kosovo. This morning, live on CNN, at a Pentagon briefing, our American allies proudly showed a video of a Canadian forces CF-18 hitting a target in Yugoslavia. They identified it as a Canadian CF-18 and the Pentagon official appeared to be very knowledgeable about the extent of the attack.

•(1450)

In a televised briefing I was watching on *Newsweek*, just before the Senate sat this afternoon, Canadian military officials refused to acknowledge this video footage, saying that it presents a security risk to our pilots. Canadian forces personnel appeared to question that they were even Canadian aircraft. The media at the briefing were justifiably mystified. It was a most embarrassing spectacle and calls into question Canada's role and leadership in this area.

Can the Leader of the Government in the Senate assure this house that someone is taking charge of these efforts over at DND? We are looking more foolish as each day passes. When can we expect the Minister of National Defence to step up to the microphone at these briefings and inform the Canadian public of exactly what is going on in Yugoslavia?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, whatever television footage that the Americans were able to put their hands on, which they allege included Canada's CF-18 fighters, is something that I would leave for the Chief of Defence Staff and the Chief of Air Forces to determine whether or not it is appropriate. The Canadian military would be in the best position to acknowledge whether or not it is accurate footage.

Yesterday I stated — and, perhaps Senator LeBreton was not in her seat at the time — that the Supreme Allied Commander on his visit to our Armed Forces in Italy, which is the dispatch point for air missions in that area, commended the Canadian pilots for their excellence. He said that they were top flight and among the best in the world.

Senator Lynch-Staunton: So? What else is he going to say?

Senator Graham: Senator Lynch-Staunton is mumbling here.

Senator Lynch-Staunton: So what does Mr. Chrétien think?

Senator Graham: He is saying "So? So what?"

Senator LeBreton will have an opportunity early next week to put the same question and any other questions she has during the

briefing that I have arranged with the Minister of National Defence and the Minister of Foreign Affairs.

Senator LeBreton: Honourable senators, when I saw the briefing this morning by the Pentagon, I must confess that when they said it was a Canadian CF-18 pilot who had hit the target, I felt quite a tinge of pride. However, to turn on the television later and to see Canadian officials trying to withdraw any knowledge of it as if we were not there was a confused and embarrassing spectacle.

In view of the fact that there seems to be this conflict between the Pentagon and the Canadian Armed Forces officials, will the Government of Canada be calling the United States to complain about the apparent security breach and will they be criticizing the American government, as they did our member in the other place, of putting Canadian forces personnel at risk?

Senator Graham: Honourable senators, I would leave that to the Chief of Defence Staff in whom I, and I am sure all Canadians, have the utmost confidence.

Honourable senators, I wish to go back to a question asked by Senator Forrestall with respect to benefits that might be made available to our Armed Forces personnel when on active duty and whether or not they are eligible.

In response to a question this morning, General Jurkowski said that there are packages — special allowances, hostility bonuses, those kinds of packages — which the change of name would not affect. He went on to say that the military people have full access themselves and, God forbid, if anything happened the families back home would gain the same benefits.

My understanding from that answer is that all of the benefits to which Senator Forrestall was referring would be available to those who might be put on active duty.

CANADA-UNITED STATES RELATIONS

LOSS OF FAVOURED EXEMPTION FROM INTERNATIONAL TRAFFIC IN ARMS REGULATIONS—POSSIBLE TRADE DISPUTE WITH UNITED STATES—EFFORTS TO TIGHTEN ARMS EXPORT POLICY

Hon. Pierre Claude Nolin: Honourable senators, I want to go back to the line of questioning started yesterday by my colleague Senator Kelleher concerning the possible changes in the United States International Traffic in Arms Regulations.

By now, even if the Minister of Foreign Affairs does not like it, we should know that the proposed changes to the United States International Traffic in Arms Regulations have been prompted by the concern in Washington over the lack of Canadian policy governing the export of U.S.-made equipment and technology in the past few years to countries such as Iraq, Iran and China.

Let me remind honourable senators that in 1993, during Peacekeeping '93, a defence equipment trade exhibition held in Ottawa, the current Minister of Foreign Affairs, who was at the time the external affairs critic for the Liberal Party, accused the Conservative government of being too soft on Canada's arms export policy. He thought that, "Canada's arms export policy has to be tightened up and made more accountable to Parliament." The external affairs critic also said that he wanted to see the Liberals back in power in order to develop:

...a country register, a clearing-house of nations Canadian companies can and cannot sell arms to. The list would be developed during parliamentary hearings.

According to the current Minister of Foreign Affairs, unless this measure was taken, future Canadian peacekeepers might find themselves coming under fire from foreign weapons containing made-in-Canada parts.

Considering those statements by the former external affairs critic for his party, can the Leader of the Government in the Senate tell us what measures have been taken by the different ministers of Foreign Affairs since 1993 to tighten up this Canadian arms export policy?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, officially, the U.S. proposal stems from concern over a number of incidents where Canadians were involved in allegedly selling or attempting to sell military equipment with U.S. technology to Iran, Iraq or some other country.

The Canadian government is concerned about the U.S. announcement that was referred to yesterday. The result would greatly reduce the range of items exempt from export licensing to Canada and impact negatively on several Canadian industries.

Having said that, I am aware that Canadian and American officials continue to discuss this change to the International Trafficking in Arms Regulations. Minister Axworthy has discussed the issue with Secretary Albright and will do so again when they meet in Washington during the NATO summit this weekend. We have had extensive bilateral discussions since the U.S. made its announcement. A meeting of senior officials was held in March and led to a broad agreement on an approach to minimize disruption to our bilateral defence trade. We have not yet reached a completely satisfactory solution, but the discussions are ongoing.

Senator Nolin: In the meantime, what special measures have been put forward by the current Minister of Defence on that important issue?

Senator Graham: Honourable senators, I think that the matter is being left more to the Minister of Foreign Affairs. I am not aware that the Minister of National Defence is directly involved in those discussions.

Senator Nolin: We have evidence that Canadian armoured vehicles have been sold to a European country, and we have just had a visit from representatives of that country. Those pieces of equipment ended up in Iran. We have evidence of that. The

Minister of National Defence must be involved in some changes of policy to ensure that this will not happen again. What are the measures that he has taken?

•(1500)

Senator Graham: Honourable senators, I am not aware of any specific measures. While there is no specific evidence that I know of, perhaps my honourable friend can provide some evidence suggesting that Canada has been used as a point of diversion for the export of sensitive U.S. or Canadian goods and technology to countries where their end use is of concern.

Concerns about the possibility of equipment and technology ending up in unauthorized third countries are best addressed by continuing the close cooperation between our respective enforcement agencies. I know it is a matter that will be considered and discussed by our senior ministers at the appropriate time.

Senator Nolin: If the minister wishes to have access to that evidence, I am sure that when the Minister of Foreign Affairs is talking with his counterpart in Washington, she will be glad to show him the pictures.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to introduce a group of students in our gallery who are from the Louis Riel School, in Calgary, Alberta. They have come all this way to see the Senate in action. They are led by their teacher, Mr. George Lougheed.

On behalf of all senators, I bid you welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

CANADA CUSTOMS AND REVENUE AGENCY BILL

THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, seconded by the Honourable Senator Bacon, for the third reading of Bill C-43, to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence.

Hon. Terry Stratton: Honourable senators, we continue to have serious reservations about Bill C-43. I wish to bring to the attention of the Senate several promises made by the minister when he appeared before our committee on February 17 and 18. I want to ensure that these are noted in Hansard, as we fully intend to hold the government to account for them.

I want to make it clear that I am not raising these points to challenge the integrity of the minister or his deputy. Ministers come and ministers go, as do their deputies. The view of Mr. Dhaliwal may not be shared by the person who holds this portfolio in a month, a year, or a decade from now. I remind honourable senators that, of the 31 ministers and junior ministers appointed by the Prime Minister, only five, including the Prime Minister, are still in their original posts.

First, the minister told us that he would continue to be accountable. We will be watching carefully, as we fear that, sooner or later, some future minister will cry "arm's length" and duck his or her responsibility. We also fear that a minister, one step removed from direct control, will take the word of officials on matters with which he ought to be directly involved from the beginning.

We will not be the only ones watching. Garth White of the Canadian Federation of Independent Business said:

Frankly, if the accountability function as designed in this bill does not work, the government will surely find out quickly, and I am convinced that you will pay a huge political price...

We do not believe that we can accept the word of the minister. We must monitor what happens as time goes on.

Yesterday we moved an amendment on the merit principle. We firmly believe that the merit principle should be enshrined in the bill in order that the staff of Revenue Canada can be confident about how they will be treated with regard to transfers. There is currently no protection for them in that regard. Our concern is that if they can be removed without any protection, of course they will not believe the minister when he says that the government will look after them. They must be given assurance other than his verbal commitment because, as I said, ministers come and ministers go.

MOTION IN AMENDMENT

Hon. Terry Stratton: Honourable senators, I therefore move:

That Bill C-43 be not now read a third time but that it be amended, in clause 54, on page 17,

(a) by replacing line 10 with the following:

"54. The Agency must develop a program"; and

(b) by deleting lines 13 and 14.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Hon. David Tkachuk: I move the adjournment of the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator

Gustafson, that further debate be adjourned to the next sitting of the senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of the motion for adjournment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion for adjournment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

The question before the Senate is the motion in amendment. It was moved by the Honourable Senator Stratton, seconded by the Honourable Senator Cohen:

That Bill C-43 be not now read a third time but that it be amended, in clause 54, on page 17,

(a) by replacing line 10 with the following:

"54. The Agency must develop a program"; and

(b) by deleting lines 13 and 14.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Will the whips please consult and advise me when this vote will be taken?

[Translation]

Hon. Léonce Mercier: Honourable senators, pursuant to the *Rules of the Senate*, I ask that the vote be deferred until the next sitting of the Senate.

[English]

The Hon. the Speaker: The government whip has requested that the vote be deferred until the next sitting of the Senate.

EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Pearson, for the third reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence,

And on the motions in amendment of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., that the Bill be not now read a third time but that it be amended:

1. in clause 44:

(a) by replacing lines 28 and 29 on page 17 with the following:

“circumstances;

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner; or

(c) the request for extradition is made for”; and

(b) by replacing lines 1 to 6 on page 18 with the following:

“(2) Notwithstanding paragraph (1)(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances.”.

2. in Clause 2 and new Part 3:

(a) by substituting the term “general extradition agreement” for “extradition agreement” wherever it appears;

(b) by substituting the term “specific extradition agreement” for “specific agreement” wherever it appears;

(c) in clause 2, on page 2

(i) by adding after line 5 the following:

““extradition” means the delivering up of a person to a state under either a general extradition agreement or a specific extradition agreement.”;

(ii) by deleting lines 6 to 10;

(iii) by replacing line 11 with the following:

“ “extradition partner” means a State”;

(iv) by adding after line 15 the following:

“ “general extradition agreement” means an agreement that is in force, to which Canada is a party and that contains a provision respecting the extradition of persons, other than a specific extradition agreement.

“general surrender agreement” means an agreement in force to which Canada is a party and that contains a provision respecting surrender to an international tribunal, other than a specific extradition agreement.”;

(v) by replacing lines 20 and 21 with the following:

“ “specific extradition agreement” means an agreement referred to in section 10 that is in force.

“specific surrender agreement” means an agreement referred to in section 10, as modified by section 77, that is in force.”;

(vi) by replacing lines 29 to 31 with the following:

“jurisdiction of a State other than Canada; or

(d) a territory.

“surrender partner” means an international tribunal whose name appears in the schedule.

“surrender to an international tribunal” means the delivering up of a person to an international tribunal whose name appears in the schedule.”

(d) on page 32, by adding after line 6 the following:

“PART 3 SURRENDER TO AN INTERNATIONAL TRIBUNAL

77. Sections 4 to 43, 49 to 58 and 60 to 76 apply to this Part, with the exception of paragraph 12(a), subsection 15(2), paragraph 15(3)(c), subsections 29(5), 40(3), 40(4) and paragraph 54(b),

(a) as if the word “extradition” read “surrender to an international tribunal”;

(b) as if the term “general extradition agreement” read “general surrender agreement”;

(c) as if the term "extradition partner" read "surrender partner";

(d) as if the term "specific extradition agreement" read "specific surrender agreement";

(e) as if the term "State or entity" read "international tribunal";

(f) with the modifications provided for in sections 78 to 82; and

(g) with such other modifications as the circumstances require.

78. For the purposes of this Part, section 9 is deemed to read:

"9. (1) The names of international tribunals that appear in the schedule are designated as surrender partners.

(2) The Minister of Foreign Affairs, with the agreement of the Minister, may, by order, add to or delete from the schedule the names of international tribunals."

79. For the purposes of this Part, subsection 15(1) is deemed to read:

"15. (1) The Minister may, after receiving a request for a surrender to an international tribunal, issue an authority to proceed that authorizes the Attorney General to seek, on behalf of the surrender partner, an order of a court for the committal of the person under section 29."

80. For the purposes of this Part, subsections 29(1) and (2) are deemed to read:

"29. (1) A judge shall order the committal of the person into custody to await surrender if

(a) in the case of a person sought for prosecution, the judge is satisfied that the person is the person sought by the surrender partner; and

(b) in the case of a person sought for the imposition or enforcement of a sentence, the judge is satisfied that the person is the person who was convicted.

(2) The order of committal must contain

(a) the name of the person;

(b) the place at which the person is to be held in custody; and

(c) the name of the surrender partner."

81. For the purposes of this Part, the portion of paragraph 53(a) preceding subparagraph (i) is deemed to read:

"(a) allow the appeal, if it is of the opinion"

82. For the purposes of this Part, paragraph 58(b) is deemed to read:

"(b) describe the offence in respect of which the surrender is requested;" and

(e) by renumbering Part 3 as Part V and sections 77 to 130 as sections 83 to 136; and

(f) by renumbering all cross-references accordingly."

Hon. Serge Joyal: Honourable senators, it is a privilege to take part in this fundamental debate. This opportunity will allow me to state my strong conviction that there are no more important bills debated in this chamber than those bills involving the inalienable right to life. Bill C-40 is such a bill. That is why I have given considerable thought to its implications and, having done so, have decided to support the amendments introduced by Senator Grafstein.

We, as legislators, have the incommensurate responsibility of adopting legislation that deals with the rights and freedom of citizens. Among the most important of all rights, the very first one, the one without which all the others are meaningless, is the fundamental right to life. When we are dealing with proposed legislation which touches on that issue, we must be profoundly cautious, reflective and mindful that, in all its aspects, we have, as a privilege, the responsibility for the maintenance of that gift of God.

It is certainly the particular role of the Senate to ensure that Canada's human rights obligations are respected both in legislation and in government decisions. The Senate has a profound history and tradition of defending the rights of individuals. Indeed, those who value the Senate as an important element of the Canadian Parliament point to its record of protecting minorities and coming to the defence of basic human rights.

As far back as the 1950s, we can point to the example set by Muriel McQueen Fergusson, the first woman ever to be Speaker of this place. She made an initiative to amend a bill to protect a basic human right. In that case, women in the public service were not being treated equally because, at that time, they were required to resign from the public service when they got married. Senator Ferguson took action. As a senator, she was able to advance amendments to the law which rectified the inequity.

In 1991, the Senate went so far as to veto a bill for the first time in over 30 years. In that case, it dealt with the fundamentally difficult question of abortion. For a matter of conscience in such a fundamentally moral question, there was a free vote. The result was that the bill was passed by the House of Commons but was defeated in the Senate.

In the current Parliament, we have been motivated to amend or defeat bills coming from the other place for the same reasons. Bill C-220, for example, was deemed to be too great a limitation on the freedom of expression guaranteed in the Canadian Charter of Rights and Freedoms. As a result, the Senate defeated the bill.

Also in this Parliament, senators were motivated to amend the Bill C-37 amending the Judges Act. One of the main factors was a definition contained in the bill which was clearly contrary to a well-developed interpretation of the Charter law. As a result, the Senate deleted the entire clause in question. The Department of Justice has gone back to the drawing-board in order to redraft the clause to ensure that it will not violate basic equality rights.

What was the government's reaction to the Senate's most recent such amendment? Speaking in support of the Senate amendment, the Parliamentary Secretary to the Minister of Justice, Mrs. Eleni Bakopanos, told the House of Commons:

Here is an example of the necessity of having a Senate to review House legislation. According to this government the Senate did an excellent job.

Far from expressing concern, the government welcomed the Senate initiatives.

In general, having reviewed the Senate legislative activities since World War II, I have found that one of the Senate's primary motivations for amending or defeating a bill has related to fundamental justice or fundamental basic human rights.

At the very time that we are debating this amendment in the Senate chamber, the Senate Rules Committee is working towards recommending the establishment of a standing Senate committee on human rights. I know that quite a number of senators on both sides of this house have supported this initiative.

I suggest to you this afternoon, honourable senators, that Bill C-40 is the very illustration of the need for such a standing committee on human rights. We all acknowledge the important role that the Senate has played in respect of human rights, and we would be seriously remiss if we did not take this opportunity to come to the defence of one of our most basic rights — the right to life as expressed in the four major documents to which Canada is bound, and from which I will quote later.

If we fail to come to the defence of human rights and to the right to life in dealing with this important bill, how can we take ourselves seriously as defenders of human rights?

This chamber is not an academic debating society. Honourable senators, we are legislators. As such, we have a decision to take which means that we would confirm or not confirm the death penalty for Canadians or foreign citizens who would be extradited to countries which maintain the death penalty, particularly the United States.

If we have serious grounds to believe that the provisions contained in this bill are fundamentally unsound from a human rights perspective, do we not have a duty to amend the bill? To

reject this important amendment in the interest of passing the bill quickly, because of the pressure of other bills on the Order Paper requiring our attention, would make a mockery of the role of the Senate in protecting basic human rights. It would demean the very real responsibility we are meant to have in the legislative process at a time when our role is under constant, sustained attack by some people in the other place, by many members of the media, and by others.

If these amendments are rejected, honourable senators, those same critics could question with skepticism our decision to establish a permanent committee on human rights and would likely dismiss that important initiative as a cynical public relations exercise.

Honourable senators, some indirectly contend that our fundamental principles have territorial limitations. Beyond the Canadian borders, those fundamental rights could be jeopardized. In other words, our respect for human rights is good and fundamental as long it applies inside Canada's border. The suggestion is that, once you are outside Canada, in the United States, those principles vanish and can be left to the interpretation of American state governments.

This reminds me of the debate on capital punishment in 1976 in which I participated, as did eight of my colleagues here: Senators Whelan, Corbin, Rompkey, Prud'homme, De Bané, Stollery, Gauthier and Senator Balfour on the opposition side.

Some people agreed in principle that capital punishment should be abolished but maintained support for exceptions in certain cases, for example, the murder of a police officer or an unrepentant serial killer. I have always been of the opinion that, once a fundamental principle is firmly established, such as the inalienable right to life, it is morally and intellectually contradictory to dilute, or water down, the principle with exceptions, or to submit the appreciation of that principle to the absolute discretion of one person.

In the case of Bill C-40, the fundamental principle at stake is the sanctity of life, be it in Canada, in the United States, in Rwanda, in Kosovo or, if it still existed, in the Third Reich.

Clause 44 of Bill C-40 effectively makes an exception to that fundamental principle that life is an inalienable right. If it is adopted in its present form without amendment, that bill will leave to one person from then on the unqualified discretion of deciding on the death of either a Canadian citizen or a foreign citizen who is under the protection of Canadian law.

•(1520)

Honourable senators, I raised this issue in the Standing Senate Committee on Legal and Constitutional Affairs on March 17 when Dean Anne La Forest of the Faculty of Law of the University of New Brunswick appeared as a witness. At the time, I outlined my preoccupation with the death penalty following on her comments about the possibility of Canada becoming a refuge for American murderers.

I should like to quote from the proceedings of the committee of that day:

Senator Joyal: I wish to continue with that issue because it raises a fundamental question of legal philosophy. If we follow your reasoning, then for the sake of not becoming a haven, we will recognize the validity of the death penalty in any country. I am of the opinion that when you establish that human life is of paramount value, whatever crime the person has committed, then you must be logical in your assumptions.

I tried to reconcile your position with the basic philosophical values at stake. I do not want to be blunt, but I have the impression that you turned the corner somewhat on that by saying, "We do not want to become a haven for criminals. If there is a death penalty in their country, then they should face that penalty and that is it." That is easy to say. I am not saying that you are wrong, and I am not saying that your position is indefensible. However, as a country, we have enacted a Charter, and you stated that the Charter would even override legislation in the Parliament of Canada — and here I include both chambers. That is to say, if we were ever to reconsider the death penalty, it would be overridden by section 12 of the Charter.

This is such a fundamental value that we as Canadians hold that we should be congruent with that. When you say, "Because he has committed a crime in the United States he should not enter Canada," I understand the feeling of uneasiness that you described. We can think of a scenario where a serial killer from the United States could enter Canada, and so on, but this is not the point. The point is, what are the fundamental values that we have in this land and where do we hold them? Do we hold them within our borders but not abroad? I believe that we want to apply a certain level of values wherever they are at stake. That is what Canada is recognized for throughout the world.

Let me give you another example. We do business with a country where there has been a serious breach of freedom of expression. I will not name any specific country. The Minister of Foreign Affairs goes to that country and says, "That is set aside. We do not mind. We will do business with you." You know the uneasiness that many Canadians feel in that regard. They feel that if you have a set of principles, you must maintain them.

I totally respect your reasoning on this, but I am not sure that it fulfills my ideals about the set of values that we try to preserve in this country.

Senator Bryden in his speech earlier this week referred to two cases in which the Supreme Court of Canada ruled in relation to extradition where the death penalty might apply, *Ng v. Canada* and *Kindler v. Canada*. Senator Bryden mentioned that, in these cases, the Supreme Court held that extradition is lawful even if the person being extradited may be put to death as a punishment

for an offence, and that such an extradition does not violate the Charter.

Let us look again at these particular questions. At first sight they seem troubling. However, on closer study, these objections in my mind, do not stand. What the judgment states in *Kindler* is that the Canadian Charter of Rights and Freedoms has no extraterritorial application. In other words, the Government of Canada can choose not to extradite, but the moment it does, the court cannot hold it responsible for the actions of another government which is not subject to the Charter, that is another territory.

The ruling of the Supreme Court in *Kindler* certainly does not give the court's blessing to the death penalty abroad, as some might be led to conclude. It simply states that the actions of a government of another country are not subject to the Charter and that the Government of Canada cannot be held responsible for that.

Honourable senators, let us consider for a moment the reliability of our justice system. Sure, it is reputable, credible and totally independent, but it is not immune from mistakes. There are innocent Canadians who have been charged with a crime, convicted, and who have exhausted all avenues of appeal. Although we hold our system of justice in the highest esteem, we are also painfully aware of cases such as David Milgaard and Donald Marshall. In both those cases, our system of justice convicted innocent persons, and they were both sentenced to life in prison without the possibility of parole for 25 years.

The Hon. the Speaker: I regret to interrupt the honourable senator but his 15 minutes have expired.

Is leave granted for the honourable senator to continue?

Hon. Senators: Agreed.

Senator Joyal: Mr. Milgaard spent 25 years in prison before his innocence was finally established. In the case of Mr. Marshall, it is not difficult to imagine that he might have been subject to the death penalty and that, if Canada had not abolished the death penalty in 1976, they might both have been executed before their innocence was ultimately established.

There is the recent case of Leonard Pelletier, an aboriginal Canadian who has been extradited to the United States, a case that Senator Whelan brought to my attention with an article published last Sunday, April 19. Mr. Pelletier, a Canadian citizen is currently serving two consecutive life sentences in a state prison. Allan Rock, as Minister of Justice, has asked the Honourable Warren Allmand, former federal solicitor general and head of the International Centre for Human Rights, to examine the extradition proceedings. In other words, there is a prima facie miscarriage of justice.

Honourable senators, while the United States has a highly respectable legal system, we know that there have been many more cases in the United States. The U.S. is one of four countries which together account for 75 per cent of all state executions in the world. To date, more than 3,500 people wait on death row.

In disregard of international standards, the inmates on death row include 70 people sentenced for crimes committed under the age of 18. More than 100 countries have abolished the death penalty because it is inhumane and it does not work as a deterrent. Although restoring the death penalty has had no impact on the murder rate in the U.S., the U.S. is increasing its rates of execution day by day. As a consequence, innocent people have been executed and the streets of American cities are not safer.

More than 70 people have been released from death row in the last 20 years after evidence of their wrongful conviction came to light. Others have not been so lucky.

Since 1991, five Texas executions have proceeded despite lingering doubts about the defendants' guilt. In January 1995, Texas executed Jesse Jacobs, even though his prosecutors admitted that he was not the actual killer and may not even have been present when the murder was committed.

Do we accept in our soul and conscience that a person, a Canadian citizen or not, extradited to the United States would be put to death only to be proved innocent after the fact? Are honourable senators prepared to live with that possibility? Let us not fool ourselves. I am not referring to an imaginary outcome. If we pass the bill unamended, we must assume that someday it will happen. It has happened in the past. Should we allow a wrong to be committed to prevent a potential one?

Canada has already established the sanctity of life as a fundamental principle. That principle led to the abolition of the death penalty in 1976, partly because of the reality that no system of justice is perfect and, in rare instances, innocent persons can be wrongfully convicted. A major reason for abolishing the death penalty was to prevent absolutely such a gross miscarriage of justice. That rationale applies to the extradition law.

• (1530)

It is perfectly reasonable to demand assurance that the death sentence will not be carried out before Canada consents to extradition, if not at least to prevent the tragic execution of a single innocent person.

But what is the binding legislation under which this debate takes place? First, of course, is the Universal Declaration of Human Rights which states:

Everyone has the right to life, liberty and security of person.

The second is the Canadian Charter of Rights which states:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

The third document, which has not been discussed in committee or in the chamber, is the International Covenant on

Civil and Political Rights, ratified in December 1976 and entered into force in Canada in March 1976. Article 6 states:

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

The fourth document, never mentioned in the committee or in the chamber, is the Optional Protocol of the International Covenant on Civil and Political Rights.

Those documents should be applied in the instance of Bill C-40.

Honourable senators, it is within the scope of all four of these documents that we must assess our position on the death penalty, be it applied here in Canada or abroad.

I have said that the Canadian Charter of Rights and Freedoms is a fundamental document that binds Canada in its decision. One thing that will always remain vivid in my mind is that I presided, with the late Senator Hays, over the adoption of 57 amendments to the original draft of the Charter.

Another important document is the International Covenant on Civil and Political Rights. Canada has been a signatory to the covenant since 1976. Under the terms of Article 2, Canada is obliged to:

...respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the...Covenant without distinction of any kind.

Honourable senators, how has our commitment under international law to respect the fundamental principle of the sanctity of life been interpreted by the Human Rights Committee of the United Nations, the competent tribunal for the interpretation of the covenant which binds Canada? No one in the Standing Senate Committee on Legal and Constitutional Affairs or in this chamber has looked into this question, even though it is of primary importance to the responsible discharge of our role as defenders of human rights.

Senator Beaudoin alluded to it yesterday, but he did not go so far as to look into the issue. I have examined cases of the United Nations Human Rights Committee. In fact, both major cases referred to by Senator Bryden, *Ng* and *Kindler*, have been reviewed in light of the International Covenant on Civil and Political Rights. Canada signed the first optional protocol which recognized the jurisdiction of the United Nations Human Rights Committee to interpret the covenant. Both *Ng* and *Kindler* have been reviewed by the Human Rights Committee.

The *Ng* case was reviewed in November 1993. In *Ng*, eight out of nine jurists on the panel found that Canada:

...is not required to guarantee the rights of persons within another jurisdiction. However, if

Canada

takes a decision relating to a person within its jurisdiction, and the necessary and foreseeable consequence is that this person's rights under the Covenant will be violated under another jurisdiction,

Canada

itself maybe in violation of the Covenant...

Later on, in the majority opinion, the Human Rights Committee commented on the minister's discretion:

...while the Minister's decision is discretionary, the discretion is circumscribed by law. In addition, the Minister must consider the terms of the Canadian Charter of Rights and Freedoms and the various instruments, including the Covenant, which outline Canada's international human rights obligations.

The question was framed by the Human Rights Committee in the following way:

The starting point for consideration of this issue must be

Canada's

obligation, under Article 2, paragraph 1, of the Covenant, namely, to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant. The right to life is the most essential of these rights.

With regard to a possible violation by Canada of Article 6 of the Covenant, by its decision to extradite Mr. Ng, two related questions arise...

I will pass on those questions, honourable senators, because I know that I have already abused my time limit. The answers to those questions are of paramount importance. The human rights committee, that is, eight out of nine jurists, declared as follows:

If Mr. Ng had been exposed, through extradition from Canada, to a real risk of a violation of article 6, paragraph 2, in the United States, this would have entailed a violation by Canada of its obligations under article 6, paragraph 1.

The Committee notes that Canada has itself...abolished capital punishment...As to issue (b) in paragraph 15.1 above, namely whether the fact that Canada has generally abolished capital punishment, taken together with its obligations under the Covenant, required it to refuse extradition or to seek the assurances it was entitled to seek under the Extradition Treaty

with the United States

the Committee observes that abolition of capital punishment does not release Canada of its obligations under extradition

treaties. However, it should be expected that, when exercising a permitted discretion under an extradition treaty (namely, whether or not to seek assurances that the death penalty would not be imposed) a State party

that is, Canada

which itself abandoned capital punishment gives serious consideration to its own chosen policy.

As part of its deliberation, the Human Rights Committee took into account that Canada has abandoned capital punishment since 1976.

Honourable senators, let me remind you that the policy to abolish capital punishment was renewed in this chamber less than a year ago, on June 18, 1998, when we abolished capital punishment for some military offences. At that time, we voted to abolish capital punishment which still existed at that time for some military offences.

I would quote Senator Rompkey, who moved second reading of the bill in the Senate: June 16, 1998. He said:

The removal of the death penalty from military law is long overdue. I must say, I was surprised to find it still there, but it is. It was abolished some 22 years ago from the Criminal Code.

Let me return, then, to the Ng case. The conclusion of the United Nations Human Rights Committee ruling is as follows:

The Human Rights Committee...is of the view that the facts as found by the Committee reveal a violation by Canada of article 7 of the Covenant. The Human Rights Committee requests

Canada

to make such representations as might still be possible to avoid the imposition of the death penalty and appeals to

Canada

to ensure that a similar situation does not arise in the future

The United Nations committee said to Canada "ensure that similar situation does not arise in the future." Honourable senators, today is the future.

The clear conclusion from a reading of Ng is that the Supreme Court decision on the applicability of the Canadian Charter of Rights and Freedoms is not the only, the sole, and the final element of the equation. We have a duty under our international treaty obligations to ensure that the inalienable right to life is respected not only in Canada but abroad when such an opportunity arises, as it does in the case of extradition.

I wish to take a moment to draw on the individual opinion of one jurist who ruled in the *Ng* case. In his individual opinion Mr. Fausto Pocar added:

...a State party that has abolished the death penalty

That is, Canada

is in my view under the legal obligation, under article 6 of the Covenant, not to reintroduce it.

• (1540)

This obligation must refer both to a direct reintroduction within the State party's jurisdiction, as well to an indirect one, as is the case when the State acts — through extradition, expulsion or compulsory return — in such a way that an individual within its territory and subject to its jurisdiction may be exposed to capital punishment in another State. I therefore conclude that in the present case there has been a violation

in Canada

of article 6 of the covenant.

Honourable senators, can anything be more clear than that? Canada abolished the death penalty 22 years ago and, in the military context, less than a year ago. Having done so in order to be morally and intellectually consistent, we must not re-establish it even indirectly. To allow for the extradition of a person in a case where the death penalties applies is tantamount to indirect reinstatement of the death penalty in Canada.

Honourable senators, the discretion given to the Minister of Justice in this bill is unqualified. Who can assure us that we will always have "a liberal-minded" Minister of Justice who will always respect the inalienable right to life? Someday a Canadian Minister of Justice who decides to extradite to the United States a 14-year old child to face the death penalty would have full power to do so. If we pass the bill unamended, we would be accomplices to that shocking abuse of justice. Can we wash our hands once the extradition is done?

Senator Fraser, in her speech on the amendment, stated:

...I cannot believe that simply because the crime of which one is accused is very serious, one should be denied the protection of Canadian law before extradition.

The words "before extradition" attracted my attention. Put simply, the principle of respect for human rights under the law is relevant while the person is in Canada. However, if we can find a way to get the person out, then we relieve ourselves of the duty to respect their rights. We wash our hands.

As Mr. Justice Cory of the Supreme Court wrote in the his dissent in *Kindler*:

In my view, since the death penalty is a cruel punishment, that argument is an indefensible abdication of moral responsibility. Historically, such a position has always been condemned. The ceremonial washing of hands by Pontius Pilate did not relieve him of the responsibility for the death sentence imposed by others and has found little favour over the succeeding centuries.

Honourable senators, on the one hand, can we sustain that no crime can be so serious that one can be denied his or her basic inalienable right to life in Canada and, on the other hand, conveniently set aside that conviction so long as we can arrange that the denial of inalienable right to life will be carried out by someone else?

I repeat, on the one hand, can we declare that no crime can be so serious that a person can be denied their basic human rights and on the other hand set aside that conviction so long as we can arrange that the denial of that paramount right will be carried out somewhere else by someone else?

Are we not morally compelled to do everything we can to have fundamental rights respected by another country when such an opportunity exists, as in the case of article 6 of the Canada-U.S. Extradition Treaty?

It is my belief that there cannot be two sets of rights: those we respect and cherish in Canada; and those that we accept others could violate at will.

There is a fundamental choice, Canada has an opportunity to seek respect of the inalienable right to life. Canada must make every possible effort to respect that obligation.

In respect of the concern for Canada becoming a refugee for fugitives from justice, what is the situation in the United States where the greatest risk of criminals coming to Canada lies? First, let me remind honourable senators that 38 American states have the death penalty in their statutes. I checked.

All of those states also have provisions in their statutes to allow the state governor to commute the death sentence to a sentence of life imprisonment without the possibility of parole.

I shall read from the statutes of the State of Louisiana, which are basically the same as those in Texas, California and Florida:

The governor may grant reprieves to persons convicted of offences against the state and, upon the recommendation of the Board of Pardons as hereinafter provided for by this Part, may commute a sentence, pardon those committed of offenses against the state, and remit fines and forfeitures imposed for such offences.

Faced with the choice of letting an apprehended criminal go free, or agreeing to commute the death sentence to life imprisonment, the concerned American states have consistently chosen the latter, be it with Canada, France or the United Kingdom. The precedents are registered in the records.

The spectre that has been raised of Canada becoming a refuge or haven for American criminals does not withstand the study of the precedents. If this were the case, the United States would prefer to see their criminals freed to Canada rather than have them back in the U.S. to be punished for their crimes and support them for the rest of their lives. That would be totally contrary to the public interest and the American public opinion would revolt against that.

Certainly, Canada has a different legal culture and set of values. We in Canada would not let capital punishment apply to children as young as 14 years of age, as two American states do. Canada would not let capital punishment apply to children of 16 years of age, as 11 American states do. We in Canada would not let capital punishment apply to children as young as 17 years of age, as four American states do.

Honourable senators, these are the values and legal principles that this amendment seeks to enshrine. I would ask each of you to search your soul and your conscience when you vote on those amendments. Ask yourself at night, when Canada has extradited a person to the United States and that person is taken to the gas chamber, given the electric chair or lethal injection, if you have had a sober second thought about what we are doing today.

The record shows that American criminals will not invade Canada. Each time the United States has been asked by a country, be it Canada, France or the United Kingdom, to give an assurance that the death penalty will not be executed in exchange for the return of the criminal or the accused person, they have accepted it. Their legal statutes allow that.

As a country, we have a moral obligation, each time we are faced with an opportunity to have fundamental principles respected, to do everything we can to maintain the inalienable right to life without which all the other rights and freedoms are totally meaningless.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I have a question for Senator Joyal. I would first congratulate him on the speech he has just given. I note that the decision is far from made.

The honourable senator wants to amend clause 44(2) of the bill. If I understand his reasoning, the Minister of Justice would be contravening an international commitment should he exercise his discretionary power and decide to surrender to an extradition partner where the death penalty exists. We have to prevent that happening.

Would an individual facing a request, which the Minister of Justice approves, for extradition to a country with capital punishment have legal recourse to quash the discretionary power of the minister, if subsection (2) is passed as it now reads?

Senator Joyal: The matter has already been decided in the case of Mr. Ng, who was extradited to the United States. Mr. Ng challenged Canada's decision before the United Nations Committee on Human Rights.

Its conclusion was that Canada was not fulfilling its responsibilities according to the International Rights Protocol by allowing a citizen to be executed within a system that is not in conformity with what is acceptable in the international convention.

The Committee asked Canada to intervene with the U.S. government in order to prevent execution of the sentence, and to take the necessary steps to ensure that the situation is not repeated in future.

Consequently, the United Nations Committee on Human Rights cannot issue an injunction to stay the execution, because the UN Human Rights Tribunal is not a supranational tribunal.

According to the Protocol of which Canada is a signatory, an individual is entitled to go directly to the UN Committee, but the latter does not have the jurisdiction to prevent a state, even a signatory state, from executing the death penalty.

In the case of Mr. Ng, the international committee stated that the gas which would have been used in his execution had already been used during World War II. You are aware, honourable senators, of what that gas was used for then. The United Nations Committee has determined that use of this means of execution was contrary to article 7 of the international convention.

Consequently, faced with such a decision, according to the bill — forget that the amendment has been passed — we would find ourselves faced with potentially analogous situations to that of Mr. Ng. As I have already said, there are states in the U.S. which execute children aged 14, 16 or 17. Close to a majority of U.S. states with the death penalty impose it on persons who under our system, would not even be considered to have attained the age of reason.

In this bill, discretion is left to the Minister of Justice of Canada. I am assuming we have a "liberal" Minister of Justice. What guarantee is there that we will, in 5 or 10 years, have a Minister of Justice for whom the death penalty is an abomination which we have done away with and which we must not bring up again? You are all familiar with the debates in the other place, so hear them regularly.

The Charter imposes national obligations on us in Canada. When we cross the border, we have international obligations. You do not stop thinking that life is the most fundamental thing because you cross the U.S. border, or because you find yourself in France, Great Britain, Rwanda or Kosovo. We are currently engaged in a war because we want to protect human rights in Kosovo.

However, when the issue is capital punishment, regardless how heinous the crime, we tell ourselves we do not want to interfere with the American way of dealing with this issue, and when the criminal is back in the United States the Canadian government no longer cares.

Honourable senators, in my opinion, this is contrary to the fundamental appreciation for human rights that we must have in our country.

Senator Nolin: Could a Canadian court go against the minister's discretionary power by taking into account this international obligation? In other words, could a Canadian court tell the minister: Minister, you are wrong in your assessment; you must comply with this or that international protocol; you do not have the right to make the decision you made?

Senator Joyal: If the current bill is not amended, it is conceivable that a person, whether a Canadian citizen or a foreigner, on Canadian territory or subject to the Canadian justice, could argue before the Supreme Court that Canada is bound by an international protocol and by the Additional Protocol II. That person could ask the Supreme Court to provide an interpretation of Canada's international obligation.

In the bill as it is currently worded, the minister's discretion is not qualified. The minister may argue that Canadian court proceedings were followed, that the accused had the opportunity to defend himself, that he was assisted by an attorney, that the evidence was submitted, that the accused had every opportunity to defend his rights, that the court came to its own conclusion and that, consequently, Canadian law was complied with. Nothing can be held against the minister because there is not, in the wording of the act, a qualifying element to the minister's discretion. And this, in my opinion, is where the bill is flawed.

In addition, we are giving the responsibility to one person. Senators will recall that it used to be that the Governor in Council had to ratify the execution order when a death sentence was handed down. In the bill before us, we are giving similar power to one person, with no limitation on their discretion. We are taking a step backwards because this provision does not include a definition of the criteria and the possibility for others to review the basic decision to allow someone to be executed. That is the fundamental issue raised by this clause.

I do not want my remarks to be misinterpreted, but this issue was not exhausted in committee. I raised it from a principles point of view with Dean La Forest of the University of New Brunswick. Obviously, for all sorts of reasons, a majority of the committee felt that there had been sufficient debate of the main points, hence the abstention of Senator Grafstein and myself, and the amendment we are proposing today.

I respect the divergent views of my colleagues. As a senator whose responsibility it is to review legislation that can affect the fundamental right to life, I think it important, even if this amendment is defeated here, to draw your attention to what we are doing in this bill.

Senator Nolin: I am sure that, for an international treaty to have the force of law in Canada, it must be sanctioned by an act of Parliament, unless you can show me that the treaty or international documents which we signed are part of Canadian statutes and that no Canadian court would order the minister to reverse the decision.

However, where I am in slight disagreement with you is on the issue of setting limits on the minister's discretion. I understand

your reasoning, but the minister must still do some sort of analysis. He does not just have discretionary power. There are some limitations on that power. First of all, he must examine the conduct that led to the request, which is already one limitation. But, much more important still, the conduct must be punishable by death in the requesting state. There is some limitation on the minister's discretion.

Senator Joyal: Honourable senators, no responsible minister in Canada would tell Mr. X or Mrs. Y they would be extradited the next morning. It is obvious that the minister will exercise his responsibility, his ministerial discretion, as a good *pater familias*.

He will examine the documents and the transcripts of the court proceedings, there are no doubts in my mind about this. The discretion is not qualified: The victim's age is not taken into account, whereas Canada has an age of criminal responsibility. That is not referred to in the bill. It does not take into consideration the way in which the individual will be executed. The UN committee has addressed this and indicated that some methods of execution are unacceptable. There are no qualifications about this. However, the minister may review the other extradition cases and examine the elements of precedent which have allowed Canada to obtain these guarantees. There have been no such examinations requested. Discretion is not qualified according to the importance of the irremediable action that will be taken.

[English]

●(1600)

Hon. Noël Kinsella (Deputy Leader of the Opposition): Would the honourable senator answer two questions?

He spoke of the process pursuant to international human rights law and, in particular, he cited the Optional Protocol to the International Covenant on Civil and Political Rights. Is it not true, as asked by Senator Nolin a moment ago, that the covenant is not part of the domestic law of Canada as it is in Australia? The Australian Parliament passed legislation making the covenant part of domestic law. In terms of the process, therefore, is it not true that the human rights committee that receives the communications pursuant to the optional protocol at the end of the day can only, as it says in article 5 of the protocol, express a view to the state party concerned or to the individual? Thus, is it not then merely an expression of view and could, therefore, not be of great concern to a person who is under the threat of extradition?

Senator Joyal: Senator Kinsella raises a fundamental point. As all honourable senators know, there is a proposal to have a standing committee on human rights. I sincerely hope that will come about. Senators on both sides of this house support that initiative and, as a member of the Standing Senate Committee on Rules, I can say that we are very close to reporting to this chamber on this matter. Hopefully senators will adopt our report. It will be a turning-point in the professional life and responsibility of the Senate.

The first task for members of the committee will be to go back to school, so to speak, and learn which documents apply to Canada, what is the binding effect of those documents in Canada, and what Canadian legislation should be tighter and, in that regard, we have discussed the Privacy Act on many occasions here.

The comments the honourable senator makes concerning article 5 of the protocol indicate that, at the international level, the protection of Canadian citizens is very limited because it is not reviewable by our courts since it is not part of our domestic legislation. We must carefully study the implication of entrenching or enshrining in our statutes the international covenant and the optional protocol, because the Canadian government and Canadian institutions will be bound by the spirit and the letter of those documents.

In the Standing Senate Committee on Legal and Constitutional Affairs, whenever my colleagues Senators Beaudoin, Nolin, Bryden and Grafstein and I have an opportunity to discuss or debate the issue of human rights, we, of course, are mindful of the international obligations of Canada.

I have heard senators in this chamber mention the covenant regularly, but since it is not part of our domestic legislation, although their comments may be a generous statement of opinions and objectives, in fact, we are not assessing, in each and every bill that we are studying, whether this is what we should be doing, because it is not binding.

I submit, honourable senators, that we have an opportunity to act today, in relation to Bill C-40, in a way that would be concurrent with the letter and spirit of our international obligations.

Senator Kinsella: Insofar as we are engaged in a legislative process at this very moment, is it not true that there is an obligation in the International Covenant on Civil and Political Rights, under article 2 subsection 2, that states that parties to the covenant will undertake to take the necessary steps, including legislative steps, to meet the standard to which the honourable senator has referred? Since the honourable senator did refer to article 6, I went upstairs and got my copy of the covenant, and the appropriate part is subsection 5 of article 6.

The honourable senator gave us some statistics regarding the number of states in the republic to our south that have the death penalty and which apply it to persons under the age of 18. I was more than a little shocked when he gave us those statistics. Is it not true that the right that we have embraced provides, in article 6 subsection 5, that sentence of death shall not be imposed for crimes committed by persons under the age of 18 and — listen to this, honourable senators — nor shall it be carried out on pregnant women? This is a right that we have embraced.

The honourable senator has done a great service to the chamber in his address this afternoon. Perhaps he would comment on article 6 subsection 5.

Senator Joyal: Honourable senators, I am grateful for your patience. I asked the Library of Parliament to research that matter that for me. I discussed that with Senator Grafstein after he had spoken and I had heard some objections. I said that we must be more precise in our understanding as to whom the death penalty is applied. I asked for those statistics because I was under the impression — and I say that very humbly — that we were doing something that was contrary to information I had read. We read a lot of material, as honourable senators know, and we all know that certain information stays in our minds and we then wonder where we gleaned that information. I asked the Library of Parliament to give me some information on this subject, and those are the statistics I received. Fourteen American states apply the death penalty to 18-year-olds. In addition, there is the one, as Senator Cools has pointed out, that applies the death penalty to pregnant women.

If we want to do something in good conscience, should we not think twice rather than rush this matter? I say that with all due respect for the government's priorities and institutions. To tell you the truth, I had to think twice before I, as a senator, stood up against a government decision. I have been part of the government, so I know what solidarity is. I am a member of a party. However, when something like this is involved, we should take the time to look into it. It does not involve back-to-work legislation, whatever the economic outcome may be. We are discussing a provision of a bill that deals with the most important fundamental right of all, namely, how, in 1999, we should frame Canadian legislation to meet that responsibility.

• (1610)

The American reality that Senator Bryden alluded to in his speech requires a sober second look so that we can determine what, exactly, is the American reality. Can we just say that it is a border or a dark iron curtain, or hold our hands to our face and say, "Once the person is there, take him or her. We do not mind. We do not wish to involve ourselves in the way you run your business"? To me, that is wrong. You may hold another opinion and I totally respect that.

We are not talking about freedom of commercial expression such as those contained in Bill C-55. We are dealing here with the most important thing in life. As legislators, we are, in a way like judges. The difference is that we try to judge what will happen in the future. We frame the legal system into which a person will survive or not survive, and in a context that is difficult. I checked the records for information on how many Americans are invading Canada and running in the streets with shotguns to kill Canadian children. There are, in fact, very few. Each time that Canada has requested the postponement of an execution under the death penalty, it has still occurred. If our American friends realize that this is the principle we apply here, then we can establish a way of doing it internationally, which is more humane.

Hon. Joan Fraser: Will the honourable senator entertain another question?

Senator Joyal: Certainly.

Senator Fraser: I do not feel anyone could have put the case better than Senator Joyal has just done.

However, I remain somewhat puzzled by one element in particular. Senator Joyal has rightly drawn to our attention the fact that the death penalty is exercised on juveniles in the United States. Surely there can be few more appalling prospects. However, when he combines this with the suggestion that the minister's discretion is somehow not reliable, I am puzzled. As Senator Joyal knows, the bill contains quite a long list of very explicit grounds on which the minister has no discretion at all on where "he or she shall deny extradition." One of those grounds is if it would be contrary to the interests of natural justice.

I cannot imagine that sending a 14-year-old to death row would not be contrary to the principles of fundamental justice in this country. In addition, in the discretionary elements of the discretion, one of explicit instructions given is that the minister may disallow extradition if the offender was less than 18 when the offence was committed, or if the extradition would be contrary to the principles of the Young Offenders Act.

I find myself wondering whether Senator Joyal has seen some further element here that I have missed in laying such heavy focus on the American system of executing juveniles.

Senator Joyal: Honourable senators, I recognize that the bill contains a provision that prevents the Minister of Justice from extraditing someone who would be submitted to torture, for instance. However, it puzzles me that, when dealing with the fundamental condition of the person, which is the right to survive, it is left open.

There is nothing that can convince me that the system that we have today and the government that we have today will last for ever. There is a party in the other chamber that has, as its platform about young offenders, provisions for which the honourable senator would not like to vote. Imagine for one second that the person who is the author of that platform is the Canadian Minister of Justice. What is the protection for the discretion on the death penalty? We know very well that that party advocates the death penalty. It is not a secret. It is not confidential.

Hon. Lowell Murray: Honourable senators, we advocate a referendum on the subject, then.

Senator Joyal: Yes. We know there was a referendum on the subject. When I voted in 1976, I was representing the riding of Hochelaga—Maisonneuve. My neighbouring MP represented the other party. He held a poll in Hochelaga and approximately 80 per cent of his constituents stated that they were in favour of the death penalty. The Honourable Jacques Lavoie stood up in the House and he said, "I am not of the opinion that the death penalty is a good thing, but I have conducted a poll which indicates that I should be in favour of the death penalty so I will vote against the bill." I then stood up and said, "We share the same neighbourhood in Montreal. I am sorry, but the majority of

my voters and fellow citizens are for the death penalty, but I am against it.

When we legislate on such important provisions, we must take into account the system that we put in place is totally tightly compartmented. That is, with any proposed amendments to the Young Offenders Act or to the penal system in Canada that legislation will warrant reconsideration.

My suggestion is to that, since we have the opportunity to do that now, should we not have a sober second look at it? Essentially, that is my purpose.

When I consider the situation that exists in the United States, as a free citizen in this country, I do not like the picture I see.

Hon. Anne C. Cools: Honourable senators, before I put my question I should clarify what might have been a misunderstanding of something I said by Senator Joyal. It was in reference to pregnant women and the executions of pregnant women. I think I said the opposite from what Senator Joyal may have heard. I was saying that pregnant women, historically, were protected from capital punishment and corporal punishment, floggings. This was true even among slave societies and slave states. I just finished reading some work on slavery and the situation of pregnant women.

The important point to be made when one raises those cases is that the protection that was accorded to those women was accorded to those women by virtue of the protection that was accorded to the unborn children or to the fetuses. Following the senator's line of reasoning, the unborn are less protected now than at any other point in history. I wish to clarify that because I believe pregnant women should always be protected.

I appreciate, Senator Joyal and all honourable senators, that debates on capital punishment are important. I believe they allow us to situate ourselves morally and philosophically and politically. However, this is not a debate on capital punishment. If this were a debate on capital punishment, I am sure that senators would be far better prepared than we are.

• (1621)

Bill C-40 is a domestic bill; a home bill. It is not a foreign affairs bill or a bill that attempts to do more than outline what the Canadian government should do in certain circumstances.

Senator Joyal tells us that his amendment attempts to limit the discretion of the Minister of Justice of Canada. I believe that his amendment does much more than limit the discretion of the Minister of Justice or the responsible minister in Canada. I believe that his amendment attempts to legislate extraterritorially and to limit the discretion of ministers and sovereigns and governors of other countries.

Senator Joyal says that it is a question of human rights. I am very keen to know the legal principle upon which he bases such a conclusion. When I was growing up, imposing one's will and values was called colonialism.

First, perhaps Senator Joyal could tell me how he reached the conclusion that this is a human rights issue. Second, could he tell me upon what legal principles he claims that we should legislate to command the Minister of Justice to reach into the discretion of other nations; that is, that on this very important issue our minister should be able to bind governors and other ministers of other states?

Since Senator Joyal has primarily used the example of the United States of America, we have not yet touched the part of this bill which deals with extradition to non-countries, entities; namely, tribunals. That is an enormous human rights issues, particularly with respect to the controversy surrounding the international tribunal on Rwanda in Arusha, and the international tribunal on Yugoslavia in The Hague.

Upon what foundation does Senator Joyal conclude that it is a human right to attempt to bind the governor of the State of Texas?

Senator Joyal: On the first point, I simply mentioned that, in some American states, pregnant women can be put to death. I subscribe entirely to the details added by Senator Cools.

On the second point, that is, what led me to believe that extradition is a question of human rights, I shall share with you the text of two decisions of the United Nations Human Rights Committee on cases involving extradition. It is not I who has concluded that; it is already in the framework of our system. It is not as binding as we would like it to be, but it is there. Canada has adhered to those treaties since 1976, and they have been part of our obligations since then.

As to how we can bind the Americans, I shall quote article 6 of the extradition treaty with the United States as follows:

When the offence for which extradition is requested is punishable by death under the laws of the requesting State and the laws of the requested State do not permit such punishment for that offence, extradition may be refused unless the requesting State provides such assurance as the requested State considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

That is the full text of article 6 of the extradition treaty. In other words, if Canada asks that the penalty not be executed, the Government of the United States takes it upon itself to give that assurance. That has been the agreement between our countries since 1976.

Senator Cools: That is precisely my point. The honourable senator just cited a treaty, and a treaty is an agreement between sovereign states. I asked the honourable gentleman why he believes that could be applied in a domestic law. In a treaty it is acceptable because both governments agree. If anything, the argument undermines his own proposed amendments.

Senator Joyal: On the contrary, honourable senators, I am of the opinion that the text of our amendment is almost exactly the

same as the text of the treaties. The amendment uses the wording of the treaties.

If the honourable senator reads the amendment, she will realize that the amendment proposes exactly the kind of obligation to which Canada and United States commonly agreed in 1976 at the initiative of the United States.

I do not understand the preoccupation of the honourable senator. Under that treaty, Canada has, in the past, requested that the death penalty not be executed, and the governor of Florida agreed to that. Therefore, we have already exercised article 6 of the treaty.

Senator Cools: I am very well acquainted with many of those agreements and treaties. I paroled many inmates, especially to have them deported. While on the National Parole Board, I had experience with many instances of offender exchanges where Canadian prisoners detained in the U.S. were allowed to come back to Canada.

That is precisely the point. Some of these measures should be attempted by treaty and agreement between sovereign nations, not by domestic laws with a minister in our land attempting to effect a result in another land. Based on what Senator Joyal has just now said, there is absolutely no need for an amendment because the matters are covered by treaty.

Senator Joyal: That is not the way the International Human Rights Committee of the United Nations has ruled on the issue. I have here copies of two decisions which I should like to share with the Honourable Senator Cools. She will see that those decisions sustain the point that it is not only a question of treaty but a question of international covenants to which Canada is bound, especially the International Covenant on Civil and Political Rights. It is more than an issue of treaties; there is the question of the covenant to which Canada is bound.

[Translation]

Senator Louis J. Robichaud: Honourable senators, Senator Joyal has been bombarded with questions, and has acquitted himself well.

Let us take the example of an American woman who has committed a crime that would receive the death penalty in an American state. The accused escapes to Canada while awaiting trial. The state in question makes an application for extradition to the department, and the minister turns it down. Has the minister by that very fact, not judged the accused without a trial? Has the court not found her guilty of a crime punishable by the death penalty?

Senator Joyal: The minister may make the decision to return to the United States an American fugitive who may already have been sentenced. This has, for example, happened in Pennsylvania. I have read past cases illustrating the circumstances described by the honourable senator.

The Minister of Justice should ask himself whether, by returning the individual for imprisonment in the country of origin, he is not condemning that individual to the death sentence. If he makes that decision, he upholds the sentence handed down by the country in question, since he is reconsidering the possibility of not returning the individual. He holds discussions with the head of the country in question to obtain assurances that if the person is returned, the sentence will not be carried out but converted to life imprisonment without possibility of parole as provided by the laws of that country.

The minister has re-evaluated the sentence the country imposed in accordance with the fundamental principles of Canadian law.

Senator Robichaud: Honourable senators, I think the senator did not entirely grasp my question. The fugitive was not tried in the United States. Is the minister not acting as judge in denying extradition?

Senator Joyal: Honourable senators, there is first the trial in Canada. The bill, as introduced by Senator Fraser and seconded by Senator Bryden, provides explicitly for a legal system with various stages, subject to the protection of the Charter, when the fugitive is the subject of an application for extradition without having been sentenced in the United States. The case I referred to concerns an individual already sentenced in the States, who had escaped from prison.

In the case that you are describing, a proper trial is taking place before a judge. Once the judge is satisfied, the extradition decision is made. The minister can intervene when the individual could face the death penalty. The minister is not the first judge in the process. The decision to extradite is made by a Canadian judge. The minister only intervenes when the individual is to be extradited following the ruling. The minister contacts the state governor or attorney to ask them not to seek the death penalty should the individual be found guilty. The governor can also use his discretionary power. These are the two assurances the minister can get under American law. It is only as a last resort that the minister becomes the judge, deciding whether or not the individual will be extradited, since that individual could face the death penalty.

On motion of Senator Cools, debate adjourned.

[English]

• (1630)

PRIVATE BILL

CERTIFIED GENERAL ACCOUNTANTS ASSOCIATION OF CANADA—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twenty-second report of the Standing Senate Committee on Banking, Trade and Commerce (Bill S-25, respecting the Certified General Accountants Association of Canada, with amendments) presented in the Senate on April 20, 1999.—(*Honourable Senator Kirby*).

Hon. Donald H. Oliver: Honourable senators, I move the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Donald H. Oliver: With leave, now.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

BUSINESS OF THE SENATE

Hon. Marcel Prud'homme: Honourable senators, please do not be impatient on that side. Under Reports of Committee, I stood up to speak to for Order No. 3. Can we please revert to that order?

The Hon. the Speaker: Honourable senators, if you do not stand, it is impossible to know that you wish to speak to.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, we cannot hear very well at the end of the chamber. This is why it is sometimes difficult for some of us to keep track of what is going on.

[English]

The Hon. the Speaker: Honourable senators, I ask the table officers to speak louder and I must ask honourable senators to say "Stand" more clearly so that everyone can hear. Otherwise, I admit, it is impossible for everyone to follow.

Hon. Douglas Roche: Honourable senators, I wish to point out respectfully that it is sometimes hard to hear down here. Sometimes things go a bit fast. If we want to make a contribution on a certain number, the opportunity goes by perhaps too quickly. With great respect, I ask consent of honourable senators to revert to Order No. 3 under Reports of Committees so that it may be addressed for a moment today.

• (1640)

The Hon. the Speaker: There is a request to revert to Reports of Committees, Order No. 3. Is leave granted to revert, honourable senators?

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I will give leave to revert, if that is your will. However, I should like to remind honourable senators that if independent senators wish to speak to a motion that is standing in the name of either a government member or an opposition member, it would be helpful if, before the proceedings began, they were to inform the leader or deputy leader of the party which has adjourned the debate that they wish to speak to the item. There is no desire on either side to limit the debate, nor the participation of a member of this place who is not sitting as either a Liberal or a Conservative. However, if members who are independent could let us know, that would facilitate the process.

I am prepared to give leave, honourable senators.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

PRIVILEGES, STANDING RULES AND ORDERS

CONSIDERATION OF NINTH REPORT OF COMMITTEE— ORDER STANDS

Leave having been given to revert to Order No. 3, Reports of Committees:

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Ferretti Barth, for the adoption of the ninth report of the Standing Committee on Privileges, Standing Rules and Orders (independent senators) presented in the Senate on March 10, 1999.—(*Honourable Senator Kinsella*)

Hon. Marcel Prud'homme: I do not believe that senators who wish to speak to a motion or other item on the Order Paper standing in the name of another senator, make a practice of going to see that senator before speaking to the item. They just get up and speak to it. I do not see why this should apply only to independent senators. I know it is a courtesy. However, no one knows whether or not we want to speak on an item.

I simply wanted to ask a question of Senator Kinsella, because the item is standing in his name. I wish to ask him if he intends to speak to it today. We do not wish to boycott our own efforts.

I thank Senator Carstairs and all honourable senators who voted for this measure. People should know that a vote was taken at the committee in order to present the report here.

I am simply asking that we not go too fast. I merely wished to ask Senator Kinsella if he intended to participate in the debate today. If not, then when can we dispose of this item?

In a democracy, things are simple. There are those who are elected and those who are appointed to vote on issues, not to

postpone them eternally. We should decide someday how we will dispose of this report.

I do not intend to make a long speech. Everyone has known my views for the five years and 10 months that I have been in this place. Why should I bother with repeating myself, unless I wish to show the new senators how strong and fiery I can be when I speak on this issue? I do not need to do so. I do not need to abuse the kindness of the senators. Some people say, "We are waiting to see what you will say." My views are known. I do not need to give my regular speech. I thank Senator Carstairs for allowing me to make my views a little clearer.

Last week, Senator Wilson took objection. She thinks I am the spokesperson for the independent senators. She sent me a note to that effect. I did not mean to speak on her behalf. However, I know that she, too, wishes to sit on committees.

When will we dispose of this matter, as friends who wish to participate in the debate?

Hon. Noël Kinsella (Deputy Leader of the Opposition): Honourable senators, I have no difficulty in allowing any honourable senator who wishes to speak to this item to do so. However, when they are finished speaking, I wish to have the matter adjourned again in my name.

The Hon. the Speaker: If no other honourable senator wishes to speak on this matter, it will stand in the name of the Honourable Senator Kinsella.

Order stands.

RECOMBINANT BOVINE GROWTH HORMONE

CONSIDERATION OF INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ON STUDY OF EFFECT ON HUMAN AND ANIMAL HEALTH—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the eighth report (Interim) of the Standing Senate Committee on Agriculture and Forestry entitled: "rBST and the Drug Approval Process," tabled in the Senate on March 11, 1999.—(*Honourable Senator Milne*)

Hon. Nicholas W. Taylor: Honourable senators, I was a member of the committee which made the report on rBST, hormone that is used to increase milk production in cows.

One of the items that came up frequently during our trip to Europe, as well as in a number of the hearings that were held here on what we should be doing within the World Trade Organization, concerned not only rBST but the fact that there is a dialogue of death between the producers of food and the consumers of food when it comes to drug additives or hormone increases.

Our committee is receiving increasing demands for the government to go to bat with the European Community and ask them to forbid imports of Canadian food that have been doctored in any way with drugs or through genetic modification. The usual argument of producers is that science should prove whether or not an additive is wrong. That overlooks the consumers' point of view. Both European and Canadian consumers are now starting to say, "You are telling us that this is okay. It is up to you to prove scientifically that the additive or genetic modification is harmful." That has everything twisted around somewhat. It should be incumbent on the producer to prove that the genetic modification or the drug is not harmful, and that it adds to the value of the food.

What we have, honourable senators, is a demand by many in our agriculture community that we sell the product because they have produced it. They are producing more of it because it has been genetically modified or because a drug has been added. The restrictions coming out of Europe, in particular, but also on this continent have been due to that lack of knowledge. The big hurdle we face is that we must talk to our own consumers.

The U.S. association of corn producers has announced to its members that they should not produce any more genetically modified corn because they cannot sell it in Europe. The same thing should be discussed here, too. We should be telling our producers that this is not a phoney practice because, after all, Europe is where thalidomide and mad cow disease came from.

Perhaps European consumers are more preoccupied with additives and changes to food than are we. I notice that departments of agriculture in different governments are talking about countervailing and retaliatory action unless our beef, which has been hormone injected, is accepted by the Europeans. It is consumers talking in the supermarkets of London, Vienna, New York, Calgary and Newfoundland who are starting to worry about how food is produced.

• (1650)

The rBST is just the tip of the iceberg. We talked about its presence in milk, but you can see an increase in this controversy as other food additives come on stream. I ask honourable senators to talk to producers when they go home to their regions. You will certainly be pressured. Anyone who is producing anything, whether trout in aquaculture or beef or canola or different types of grains, is being besieged by the large corporations, and there are only four or five of them, that make the chemicals, the genetic modifications and the hormones to achieve more and faster growth.

The consumer is becoming concerned about that issue. The producer needs to start selling the idea that he or she will use a drug or use some genetic modification to increase production. It is up to the producer to sell it to the consumer. It is not up to the government to convince the consumers of the world that they must accept it.

The only long-term solution is to let consumers decide. They may be suspicious and wrong in their choices, but let consumers decide, provided it is properly labelled, whether or not they wish to buy and eat the food.

The Hon. the Speaker: This order will remain standing in the name of Honourable Senator Milne.

Debate adjourned.

EXCISE TAX ACT

BILL TO AMEND—CONSIDERATION OF REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Cochrane, for the adoption of the fifteenth report of Standing Senate Committee on Social Affairs, Science and Technology (Bill S-10, to amend the Excise Tax Act, with an amendment) presented in the Senate on December 9, 1998.—(*Honourable Senator Carstairs*)

Hon. John G. Bryden: Honourable senators, I am pleased that there are so many senators here because I have been asked to read an inspiring and even scintillating speech on Senator Di Nino's Bill S-10 in order to ensure it does not drop off the Order Paper.

I wish to take this opportunity to explain the tax policy considerations surrounding the current GST status of reading materials and, in that context, the government's position on this issue.

Honourable senators, as this bill has moved through the Senate, we have heard several examples of people suffering from reading difficulties. Proponents of this bill have spoken eloquently of the importance of promoting literacy and providing assistance to students. I wish to assure colleagues that the Government of Canada is sensitive to these problems and shares their objectives.

For example, in 1996, the government introduced a 100 per cent GST rebate on books purchased by public libraries, schools, colleges and community literacy groups. The GST rebate on books recognizes the important role played by educational institutions, libraries and community groups in helping individuals, regardless of income, get the tools they need to learn how to read. It is also an efficient and responsible investment. Targeting assistance to the front-line literacy groups will ensure a greater impact by every dollar of lost revenue.

In addition, the government has increased funding for the National Literacy Secretariat, creating more opportunities for individuals to improve their literacy and communication skills.

The 1998 budget also unveiled several initiatives aimed at enriching support for students and their parents. These include the Canada Millennium Scholarship Fund, averaging \$3,000 for more than 100,000 low- and middle-income Canadians; Canada Study Grants for over 25,000 students who are in financial need and have children or other dependents; enhanced assistance for advanced research and for graduate students through increased funding for the three granting councils; help for graduates in managing their student debt loads through tax relief for interest on student loans; improvements to the Canada Student Loans Program to help individuals facing financial difficulties; and Canada Education Savings Grants, a grant of 20 per cent on the first 2,000 contributions made each year to registered education savings plans to ensure that families can better save for their children's future education.

It is important to recognize that most post-secondary students are eligible to receive the low-income GST credit of \$199 per year, rising to \$304 where students are living away from home. This represents the amount of GST that students would pay on \$4,300 in incurred student expenses. Given that the tax does not apply to most expenses incurred by students, many students effectively pay little or no GST. This GST credit channels close to \$3 billion to lower- and modest-income Canadians.

Honourable senators, while the Government of Canada is committed to supporting literacy and education, the question has always been whether taking the GST off reading materials is the best way to do so. This is particularly important when one considers that it would entail an estimated revenue cost of some \$300 million and that these tax savings would flow primarily to highly literate individuals who are the main purchasers of reading materials.

Perhaps this is also why the vast majority of OECD countries, including every member of the European Union save the United Kingdom, applied their sales taxes to books. This includes Denmark and Sweden, two countries that boast exceptionally high literacy levels, which tax books at the rate of 25 per cent.

Honourable senators, on a practical level, relieving GST on the specific products raises a host of definitional problems. There is no universal definition of what constitutes reading material. This measure would require the government to draw a line between products that would qualify as reading materials and others that would not. For example, would computer products carried on the Internet or compact disks, comic books, maps or even posters qualify as reading materials?

In its deliberation on this bill, the Standing Senate Committee on Social Affairs, Science and Technology recommended that this measure exclude material that contains any age restriction imposed by law on its sale, purchase or viewing, or is either obscene within the meaning of section 163 of the Criminal Code or of a pornographic nature. However, the question now becomes, what is pornographic material? Any line that the government draws is sure to be controversial and subject to challenge.

Assuming that there are clear answers to these questions, this measure would require vendors across the country to know exactly what qualifies as reading material and then reconfigure their operating systems to keep track of taxable and tax-free sales. This would apply across the spectrum of vendors of reading materials, from the giant chains to the smaller independent convenience store operators. I suspect, honourable senators, that the compliance burden would significantly increase for businesses across Canada.

Honourable senators, it is far from clear whether removing the GST from reading material represents the most effective approach to supporting Canadian authors and publishers, since similar tax relief would necessarily extend to competing foreign materials.

Instead, the government has pursued a more targeted approach to fostering a vibrant Canadian literary and publishing industry. For example, the government increased funding to the Canada Council by \$25 million in 1997-98, an organization that provides support to Canadian writers. An additional investment of \$15 million per year was provided to Canadian publishers via the Department of Canadian Heritage in order to promote a viable and competitive book publishing industry. These are a few examples of government actions taken in support of the Canadian literary and publishing industry.

In conclusion, honourable senators, the government believes that the targeted measures it has adopted are preferable actions to meeting the objectives of promoting literacy, education and Canadian publishing over removing the GST from reading materials.

In contrast, Bill S-10 would fail to effectively target resources in support of these objectives and would create significant definitional problems, and compliance and fiscal costs for the government and the private sector. The government wishes to ensure that Canadians are getting the greatest impact on literacy and education for every dollar in lost revenue or program spending. This is why I strongly believe that removing the GST on reading materials is not the best way to promote literacy, education and Canadian publishing.

•(1700)

Hon. Lowell Murray: If the Honourable Senator Bryden would permit a question, I cannot forebear to mention that I was in charge of the Liberal Party's campaign in New Brunswick in 1993, with outstanding success — on which, of course, congratulate him — and again in 1997, with more mixed results on which, of course, I commiserate with him.

I wonder, before the debate is over, whether he could deliver into his records and produce the unqualified undertaking that was given by his national leader, now the Prime Minister, and by his party with respect to the removal of the GST from reading materials?

Senator Bryden: Honourable senators, all I can undertake for Senator Murray is to check the archives.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, if I could assist Senator Bryden, I should like to remind him, here on the eve of Book Day, that Senator Fairbairn is the one who proposed the first amendment to the GST bill in 1990 which would have had the effect of removing the GST from reading material. This amendment is word-for-word the same as the one that Senator Fairbairn proposed, and which received the overwhelming approval of the Liberal side.

On our side, we voted against it. However, at the time, Minister Wilson said that we should take a while, see how the GST goes, and then where there were areas where we thought it should be modified or removed, we would do so. I am sure, if Minister Wilson or Minister Mazankowski were still in government, we would have had the tax removed from reading material.

What has happened in the last few years to make the Liberal Party change its mind on this matter? Particularly on the eve of Book Day, why cast a shadow on such an important day where we are trying to encourage people to read? What you have just told us will not be an encouragement to increase book sales.

Senator Bryden: Honourable senators, I shall answer the first question by saying that perhaps both sides have grown into their jobs somewhat, since both have changed their minds. It probably is the case that we in the Liberal Party, now having the reins of government in hand and the opportunity to discover better ways of furthering literacy, as I have just recited, have moved some way from our previous position and replaced it with something better.

In regard to the second question, far from casting a cloud over events on the eve of Book Day, if you listened carefully, as I am sure the honourable senator did, to the speech that I just gave, you would have heard me speak of the many millions of dollars that have been expended by this government in promoting literacy. This government has targeted that money in an attempt to do exactly that, rather than use the broad brush stroke which is in Bill S-10, and which would primarily benefit people like ourselves and others who are the principal buyers of books and who buy not only Canadian books, of course, but U.S. books and many imports, including magazines.

What we are saying is that on our assessment, the best use of our resources is to target literacy, publishing and education, and not necessarily just cover in blanket fashion those of us who can very well afford to carry our own burden.

The Hon. the Speaker: Honourable senators, on hearing Senator Lynch-Staunton in regard to Senator Fairbairn, I can only comment that the love affair of earlier this day has quickly dissipated.

Senator Lynch-Staunton: Wait until next year!

On motion of Senator DeWare, debate adjourned.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to call your attention to some distinguished visitors in the gallery. They are representatives of the Maria Labrecque Centre of Calgary, led by their president, Micheline Paré.

Also in attendance are representatives of the Alzheimer Society of Canada, led by their president, Marg Eisner.

On behalf of all honourable senators, I bid you welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

The Hon. the Speaker: I know that you have been waiting for a long time to reach this point in our proceedings, but I trust that you found the rest of the afternoon interesting.

•(1710)

COMPASSION FOR CITIZENS SUFFERING LOSS OF AUTONOMY

MOTION TO ESTABLISH DAY OF RECOGNITION

Hon. Dan Hays, pursuant to notice of April 21, 1999, moved:

That May 20, 1999 be recognized as a day of compassion for Canadian citizens suffering a loss of autonomy.

He said: Honourable senators, I am pleased to stand today in this chamber and bring to your attention the issue of citizens — most often senior citizens — suffering the effects of illnesses that rob them of their autonomy.

At the outset, I should like to thank Senator Cohen for seconding this motion; Senator DeWare and the leadership on the other side for making this a bipartisan issue; Senator Carstairs and our leadership; and Senator Fairbairn and Senator Callbeck who, in addition to Senator Carstairs, may have a few words to say on this motion.

Conditions such as Alzheimer's disease and stroke are most often the cause of the devastating consequences that affect not only the victims but also their families and friends. My own special interest in making this motion is because my mother was a victim of Alzheimer's disease. As well, I am motivated by the plight of close individuals whose spouses are, or have been, victims and for whom they became the primary caregiver.

A wonderful and poignant book on this topic has just been published entitled, *Elegy for Iris*. It is a book about the philosopher and novelist Iris Murdoch, who has now lost her autonomy. Written by her husband, John Bayley, the book recounts the consequences for Iris Murdoch and for her husband, who has chosen to become her primary caregiver. I commend it to all honourable senators as a way of coming to understand, through the medium of a wonderfully written book, how frustrating and difficult this process can be.

[Translation]

Honourable senators, the purpose of this motion is to stress the difficulties experienced by older people suffering from these diseases, taking into consideration that 1999 was proclaimed the International Year of the Older Person by the United Nations. In 1992, the General Assembly decided to make 1999 the Year of the Older People to remind us that the world population is aging and that this is a worldwide demographic phenomenon.

The UN Secretary General, Kofi Annan, provided a good description of that phenomenon:

During the second half of the 20th century, the average life expectancy increased by 20 years. Within 30 years from now, one third of the population of the more developed countries will be over 60. The world as a whole will reach that percentage before the year 2015. Today, about 10 per cent of people over 60 are already in their eighties and that figure will climb to 25 per cent by the year 2050.

By thus recognizing the place of older persons in the world, Secretary General Annan reminds us of their contribution and the fact that life is becoming a marathon event.

[English]

On the same day that Mr. Annan declared the International Year of the Older Person, the Honourable Allan Rock and Mr. Don Harron announced Canada's full participation in this programme. Our Canadian efforts are coordinated by the Canada Coordination Committee, co-chaired by the Mr. Harron and the Honourable Flora MacDonald. Canada's committee aims to promote awareness and interest in issues concerning seniors.

Honourable senators, it is in that context that this motion is proposed. I believe it coincides well with the United Nations and Canadian efforts. Later in these remarks, I will detail some of the activities planned for the Day of Compassion.

Prior to outlining the suffering caused by Alzheimer's, I should mention that some of the more positive elements of an aging population are, in fact, a reality. Cicero put it well when he said, "It is not only by muscle, speed, or physical dexterity that great things are achieved but by reflection, force of character, and judgment; in these qualities old age is usually not only not poorer, but is even richer."

Seniors make an invaluable contribution to Canada. Many are volunteers, caregivers, and integral members of their community and government. Most are healthy, physically active, able to work and enjoy a variety of leisure activities. Most seniors are independent, with 92 per cent living in their own homes.

[Translation]

Honourable senators, although most Canadians can look forward to aging gracefully and continuing to be useful to their family and their community, the motion before us today concerns those others whom an insidious disease is depriving or will deprive of the joys of the autumn of their life. Those who will not enjoy their final years and who are truly deserving of our compassion, our help and our prayers, honourable senators.

[English]

Diseases such as stroke and Alzheimer's are particularly stressful to the patient and to the caregiver because they do not simply affect the physical well-being of the patient but the very essence of their humanity: the soul. Plato wrote that the well-being of humans depends largely on the proper relationship existing between rational, spiritual and appetitive parts of our being. To put it simply, one's mind, spirit and body must all be functioning well for a person to be healthy at the most fundamental level. Alzheimer's destroys the mind, and disrupts the balance of our life. It is because this disease touches at the heart of our being that is so stressful for all involved.

Strokes tend to be equally distressing in that they can trap a vital mind in a damaged body — or worse, they can damage both. This, then, disrupts the unity of the three aspects of the soul. The philosopher Hannah Arendt wrote that part of our humanity is defined by our action and our ability to relate to others, and to connect them into a unique political realm. All of these diseases strike at seniors' ability to relate to others and, therefore, to their ability to promulgate their self-identity and worth.

[Translation]

Honourable senators, I would like to take a moment to provide a few statistics on Alzheimer's, one of the primary causes of loss of autonomy among the elderly. Alzheimer's does not just affect those over 60, but it hits this age group the hardest.

[English]

The September 24, 1998, edition of *The Globe and Mail* reported some interesting statistics. Alzheimer's disease affects some 250,000 Canadians. We, as Canadians, spend \$3.9 billion on the treatment of this disorder and its effect such as lost wages. Alzheimer's disease directly affects one in three families in Canada. Unfortunately, by the year 2030, three-quarters of a million Canadians will suffer from this problem.

Stroke is another disease that can cause an individual to lose their autonomy. These are just some of the difficulties faced by patients who survive. In Canada, about 50,000 people suffer stroke every year, and 14,000 die. That is the tragic human side of the equation. On the financial side, in my province alone strokes cost an average of \$20,500 per person per year to treat when one considers the accumulated cost of health care, social services, lost wages and decreased productivity.

Having described the challenge, let us examine the positive efforts of community groups who are dealing with the problem and who are best described as exemplars of compassion. Compassion is an integral part of our lives and, in particular, those serving the public have a duty to respond to those in need. In Parliament, in provincial legislative assemblies, in public and private service sectors and in the health care sector, we all have a role to play. Compassion is exemplified by the mission of the Maria Labrecque Centre. In fact, it is because of the Maria Labrecque Centre that Senator Cohen and I have proposed this motion and asked for May 20, 1999, to be recognized as our Day of Compassion.

Why May 20? May 20 is the birthday of Maria Labrecque, a Sister of Providence and one who has dedicated her working life to founding many health facilities in different provinces. Maria now suffers from Alzheimer's and has inspired Micheline Paré to found this centre.

•(1720)

This centre, located in Calgary, has many missions, its most important being to educate a new generation of caregivers who are specifically trained to deal with the needs of people with disorders that leave them without a voice.

[Translation]

Honourable senators, the centre was founded in 1994 to find solutions to the problems of abuse of the elderly. Often, caregivers, whether family members or professionals, do not know how to treat these individuals properly. The danger is that they can be treated literally as non-persons.

Their dignity is not respected, they are subjected to a rigid timetable, they are treated as though they do not exist or left in a chair all day long like some sort of inanimate object. In short, they are treated without compassion.

[English]

These forms of abuse can be remedied by a training system that focuses on gentleness, caring and compassion. I am very proud that an organization in Calgary is training caregivers with these principles in mind. It is so successful that 92 per cent of its graduates are working in the nursing field.

We are very pleased to have Micheline Paré, the president of the Maria Labrecque Centre, here with us today. She exemplifies compassion and has done so much to advance the idea and reality of compassionate treatment for those seniors who have lost their autonomy. It is because of her strong will and extraordinarily efforts that we have this motion before us today to ask for May 20 to be recognized as a Day of Compassion. In doing so, we will be following the example of Mayor Duerr in the city of Calgary and Bishop Henry of the Calgary Catholic Diocese, thereby providing an example for others to follow.

Thus it is, honourable senators, that I urge you to support this motion. Compassion for seniors and others who have lost their

autonomy is also evident in the efforts of the Alzheimer's Society of Canada and their local organizations.

The Calgary chapter, for example, opened its doors in 1981 and serves as an ongoing resource and advocate for this disease. In addition to valuable personal support and support groups, it has opened the Club 36 program that is designed to care for people on a day-to-day basis and gives respite to at-home caregivers. The society is also active in providing support programs, family education seminars, and education programs for the public.

[Translation]

We in Canada are fortunate enough to have the national network of Heart and Stroke Foundations. There is one in each province, and Alberta and British Columbia serve the Northwest Territories and the Yukon respectively.

The month of June is designated Stroke Awareness Month. I have been greatly impressed by the interest Canadians have shown in their sections every year. June is an important month for the Heart and Stroke Foundation, as far as fund-raising is concerned. A CVA, cardiovascular accident or stroke, often leaves victims unable to speak and affects their self-sufficiency, but the various activities of the Foundation across Canada do much to assist victims and provide family support.

The Heart and Stroke Foundation, like the Centre Maria Labrecque and the Alzheimer Society, make great contributions toward ensuring that every day is a day of compassion toward the elderly, whom illness has deprived of a voice.

[English]

Honourable senators, the Day of Compassion is designed to recognize that seniors who have lost their autonomy have lost so much but will never lose their emotion or their feeling. On May 20, 1999, in Calgary, the Maria Labrecque Centre will spearhead the celebration of this day, which has been recognized by the Canadian Committee of the International Year of the Older Person. Celebrations will include special activities for seniors, an evening celebration of the caregiver, and a program designed to challenge Calgarians to do something special for a senior who has lost their autonomy.

It is my hope that the passage of this motion in this chamber today will encourage Canadians to think about what they can do for seniors who have lost their autonomy, and for new programs to be developed to address the social need. May 20, 1999 will be a day of celebration and reflection, and will serve to remind us that the true test of an advanced society or government is how we care for those who are unable to care for themselves. This is the measure of our compassion.

Hon. Senators: Hear, hear!

Hon. Erminie J. Cohen: Honourable senators, it is my privilege to second the motion of my honourable colleague Senator Dan Hays:

That May 20, 1999, be recognized as a day of compassion for Canadian citizens suffering a loss of autonomy.

Honourable senators, compassion is a sentiment that should properly colour our approach to all things at all times. Cold, indeed, is the individual who cannot summon a measure of compassion when presented with suffering or pain of any kind.

This motion, however, speaks to a qualitatively different challenge. As my honourable colleague suggested, diseases such as Alzheimer's strip away one's very identity. Alzheimer's disease and other forms of dementia are as insidious as they are unrelenting.

Honourable senators have heard described some of the effects of this affliction. I would like to frame that portrait so that you may truly appreciate the impact of this malady on the victim, on his or her family and, ultimately, on society at large.

Alzheimer's begins by stealing memories one by one. Emboldened, it casts a haze on routines mastered in childhood. As the mist thickens into an obvious fog, the world begins to shrink. Robbing the individual of speech and relentlessly degrading motor functions, this scourge commits the supreme theft; it expropriates independence and dignity and, in their place, leaves helplessness and isolation.

Jules de Goncourt captured it well 150 years ago. In describing this dread disease before it had a name, he offered the following image:

A human being sheds its leaves like a tree. The sickness violently prunes it down...and it no longer offers the same silhouette to the eyes which once loved it, to the people to whom it afforded much needed shade and comfort.

If, honourable senators, my words paint a dark picture, it is not nearly as bleak as the thoughts which must race through the mind of one confronted with such a future, not nearly so despairing as the hearts of loved ones who must witness the shocking transformation that occurs in one so afflicted.

Painful as the reality is, we Canadians do not anchor our lives in despair. This motion affirms something quite different, and I should like to take a few moments to share with you, honourable colleagues, how Canadians from New Brunswick have risen to the challenge.

In my hometown of Saint John, there is a facility called The Rocmaura Nursing Home. Built and administered by the Sisters of Charity, as its Gaelic name implies, it serves as a rock of comfort and support to all in need of elderly nursing care. Recognizing the unique requirements of those afflicted with Alzheimer's disease, Rocmaura established Trinity Court, a dedicated Alzheimer's special care unit.

Like the name Rocmaura, the name chosen for the special care unit, or SCU, was no accident. However, in addition to its divine reference, I would suggest that it possesses another significance

as well. A comprehensive study undertaken by Rocmaura was completed just two months ago. It was a longitudinal investigation into the merits of an SCU. I was struck by one of the central findings of the research; namely, that compassion and caring attention do make a difference.

Here, the trinity is somewhat more corporeal: first, a patient who must be provided with every opportunity to cling to a maximal level of independent living; second, a loving and committed family that appreciate when their role as primary caregivers must yield to specialized care; and third, dedicated health care service providers who diligently look for new ways to enhance the quality of the residents' lives.

The Rocmaura study demonstrated that the introduction of SCUs dramatically improves the profile of the Alzheimer's patient. The patients ate more, slept better, engaged in more frequent social and physical activity, and required less medication and fewer restraints. The family members who knew them best uniformly believed that in many respects the erosion in their loved one had slowed or, in some cases, modestly reversed.

•(1730)

Honourable senators, this is by no means a cure, but it was a victory for the dignity of the spirit, and it was achieved through compassion, through a determination to provide support and return some of the dignity so cruelly taken away by disease and the loss of autonomy.

The success of this initiative came to my attention through my involvement in the Rocmaura Foundation. Through you, I share it with all Canadians in the hope that it will provide some encouragement and help to dispel some of the darkness.

I mentioned, honourable senators, that Trinity Court is not a cure for Alzheimer's disease. In fact, there is at present no known cure. Various levels of government expend \$4.5 million annually on the management of the disease. That represents more than 6 per cent of the national health care budget.

The Alzheimer's Society of Canada is the only national voluntary organization dedicated to research and finding the cause and the cure of a devastating disease. In addition, as the honourable senator from Alberta mentioned, the society's branches in each province provide critical support to families caregivers of individuals afflicted with Alzheimer's.

In New Brunswick, the Alzheimer's Society designed a strategic framework for supporting persons affected by this disease. An element of this model, which has been duplicated in other provinces, was the development of an initiative entitled "Partnership and Caring." Rooted in the very concept of compassion, this project has created highly visible community support and education programs. Most recently, with the development of new pharmaceutical products that hold out some promise to dramatically improve the quality of life for Alzheimer's sufferers, the partnership and caring structure has proven to be an effective coordinating point for contact between drug companies and the community.

It is precisely to these kinds of activities that the Honourable Flora MacDonald and Don Harron, that Canadian icon, have turned their energies as co-chairs of the Canada Coordination Committee of the International Year of the Older Person. At either end of the spectrum, whether they be activities aimed at celebrating the achievements of older Canadians or sensitizing the public to the special needs of older Canadians, these activities are all about taking ownership, of proclaiming that all Canadians are responsible one for the other. That is the value that defines family and, at the end of the day, are we not all simply members of one great Canadian family?

Honourable senators, we receive comfort from expressions of concern and gestures of support. We gain hope with the introduction of new models and medicines that can forestall the devastating effects of these diseases. Faith is reserved for a cure.

Having introduced the concept of family, I wish to tell you a fascinating story about a family from Harvey, New Brunswick. Linda Nee is a social science analyst at the National Institute of Health in Bethesda, Maryland. For 21 years she has been tracking a family that originated in Northumberland County, England, who emigrated to New Brunswick in 1837 and settled in Harvey. From there, they have spread out across Eastern Canada and eight states in the U.S.A. Members of this family show a predisposition to familial Alzheimer's disease, one of the most aggressive forms of the disease and the type that likely served as the precursor for all other varieties.

This family is known as "FAD 1." That stands for familial Alzheimer's disease, family number 1. All genetic research related to Alzheimer's is based on the genetic discoveries made on this family. Over 1,000 family members have donated cell, blood and skin samples. Dr. Peter St. George-Hyslop, of the University of Toronto, who discovered the AD3 gene in 1995, has suggested that the contributions of the family from symbolic Harvey, New Brunswick, have been enormous. Their efforts have been instrumental in the drive towards a cure.

Too often, we think of diseases like Alzheimer's, dementia or stroke, and mourn for what it takes from us. To be sure, honourable senators, they are akin to medical black holes from which no light can escape. Upon reflection, however, we can and we do pull free from its force. It may extract a very high price, but it does afford us the opportunity of claiming something in return, and that is the gift of compassion.

It is as if God has thrown down a gauntlet placing in our path the darkness, challenging us to convert that darkness into light. We can claim some measure of victory when we answer that challenge neither with pity nor with indifference but, rather, with genuine compassion; compassion for those who have fallen victim; compassion for their loved ones who valiantly struggle to help them preserve a sense of dignity and self-respect. I refer to individuals like Maurice Dionne, the former MP for Miramichi, who was stricken with Alzheimer's disease in 1991, and his devoted wife, Precille, whom he no longer recognizes but who still faithfully cares for him and is a tireless worker on behalf of the Alzheimer's Society.

The intent of this motion is to acknowledge people's suffering and their courage in facing that suffering. The motion before you, honourable senators, serves as an opportunity for us to validate people's pain, both physical and spiritual, and the heroic efforts caregivers have undertaken to alleviate that pain.

Most of all, this motion is meant to remind us all that the virtue of compassion must inform our approach to life, not just on May 20, but every day of the year, to translate empathy into sensitivity and kind thoughts into generous deeds.

Honourable senators, permit me to conclude with a passage from a poem by D.H. Misita, who so eloquently encapsulated the terrifying impact of Alzheimer's disease and its challenge to us.

Yesterday, I knew your face,
Forgive me today, it's become misplaced.
A moment ago, I could tie my shoe;
I can't seem to now — that's up to you.
A week ago I could sing that song.
But now I can't, the words are gone.
I knew this house; I knew this place.
But now it's just an empty space.
As time goes by, I've lost a lot;
But please remember, forgive me not.

Honourable senators, by recognizing May 20, 1999, as the day of compassion for senior citizens suffering a loss of autonomy, we will have taken an important step in honouring that pledge.

The gold pin that you have on your desk today is a gift from the Alzheimer's Society that says "Forget me not" in English and French. Please remember the message.

Hon. Senators: Hear, hear!

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I rise today to support the motion that has been put before us by Senator Hays and seconded by Senator Cohen. Both Senator Cohen and Senator Hays have addressed in principle the Alzheimer's patient. I should like to talk about the stroke victim.

Honourable senators, in 1969, while travelling with the Senate committee on poverty, my father arrived in my home and stumbled across my kitchen floor. Since my father did not drink I knew it was not alcohol induced, but I did not know what it was. He said he was terribly tired, and he went to bed. He woke up 14 hours later. We did not realize then, but Dad had had the first of what would be a whole series of small strokes.

In May of 1970, he had a massive stroke. It was a stroke that left him, as a politician of 45 years at that point, unable to say a word. All of you who have that honourable profession must understand how very frustrating that must have been. He was paralyzed totally on one side. He had no bladder control. He was, all of a sudden, a vulnerable person.

My father was one of the lucky ones. With a great deal of effort, a great deal of support from my mother, he got back the power of speech. With the help of physicians, he regained his bladder control. He remained, for the most part, paralyzed on one side, but with the help of aids he learned to walk again. However, his speech never had the same clarity, and I believe Senator Stewart knew that he had a great oratorical ability. He never had that again.

•(1740)

I brought him to this chamber a couple of times. I wheeled him in, in his wheelchair. Perhaps the most painful experience, though, occurred in Calgary. That is where my husband and I lived at that time, and where he visited us in 1973. He came down with pneumonia while there. I took him to an emergency ward and they said that they would take him to a room because, clearly, he needed care.

When I got to the room, the young attendant, who I think was an aid and not a nurse, was yelling at him. She was treating him with great disrespect. Yes, he could not walk and he was not speaking very clearly, probably at that point because of the pneumonia. I quickly realized that they had also removed his hearing aids. Like me, he wore double hearing aids. He could not hear what was being said to him.

I made them restore the hearing aids, and then we began to make them understand that, yes, he was handicapped and he had all kinds of vulnerabilities, but he did understand. He was still an intelligent human being. He could answer their questions.

On a lighter note, one of the things my father liked most in the world was to play bridge. When he died and tributes were paid in this chamber, Senator Henry Hicks, who was not a particularly good friend of my father's, made a comment to the effect that all he would say about Harold Connolly was that he never knew a man who got such bad cards and played them so well.

When my father got home from the hospital, we decided he should play some bridge. Playing bridge was not an easy task because he could not shuffle, could not deal, could not hold the cards. We had a receptacle for the cards and he played, but he was getting his usual very bad cards. He decided he needed to use the washroom and, with my mother's help, down the hallway he went. I quickly said to my husband: "Stack his hand." So he did. He took a bunch of aces and kings, put them together and put them in my dad's card holder. Then he dealt the rest of the cards.

Little did my husband know that he had also dealt to me a fabulous hand. My father and I were partners in that game. My father came back from the washroom, opened up this hand and he beamed. He bid and he made a double, and re-doubled to a count of 7, and he never stopped talking about it until he died. This was by far the best bridge hand he had ever had. We, of course, never told him that it had been arranged.

My father died in 1980 of another massive stroke. For a short period of time, as is so often the case for stroke victims, he was

connected to life support. There are six siblings in our family, but I was the one who was asked by my mother to go and have the life support turned off. Little did I know that, seven months later, I would have to do the same thing for her. I had to do it for her because she ruined her own health through ten years of looking after my father.

A day of compassion says to me: A time to remember, a time to show respect, and a time to make things better.

Hon. Senators: Hear, hear!

Hon. Joyce Fairbairn: Honourable senators, this motion to create a special annual day of compassion on May 20 for senior citizens or others suffering a loss of autonomy through debilitating illness affecting the mind offers all of us a rare opportunity to create awareness and understanding across our country.

I thank my friends and colleagues Senator Dan Hays from Alberta, Senator Erminie Cohen from New Brunswick and always, Senator Sharon Carstairs from Manitoba for bringing this initiative to the Senate. They have my own heartfelt support and I know that is shared by members throughout this chamber.

I also want to thank most particularly Maria Labrecque, who was born in Quebec and grew up in the Peace River area of Alberta's north. A Sister of Providence, she was also a nurse who was instrumental in the founding of many health facilities across Canada.

I want to thank Micheline Paré, president of the Maria Labrecque Centre which was opened five years ago in Calgary. She is a long-time associate of Sister Labrecque, whose birthday falls on May 20.

As has been said, sadly, Sister Labrecque herself suffers from Alzheimer's. The mission of the centre which bears her name is to ensure that proper care is provided to those who suffer from forms of dementia.

Honourable senators, in my view, we as a country are long overdue in focusing active attention on the special needs of seniors who, in the new century, will be the fastest growing portion of our population. The demographics have been before us for many years. The statistics are not a surprise.

Yet we are just now coming to accept the true dimensions of this reality, and we must scramble to prepare for it. Indeed, the dimensions are already with us and require not just money but creative will and a sensitivity on the part of governments, communities, of the health care system and the countless individuals in families across this country who live with the special challenges every day of their lives.

Most agonizing among these challenges is how to develop a caring and respectful haven of support for those who have drifted away from us through dementia, of which Alzheimer's is the most common form, and the effects of heart disease and stroke in their lives. How do we let them know that they are loved for their very presence, not just for all the good years that have

passed? How do we use every tool of medical science, compassion and practical understanding to give these citizens every stimulation possible to maintain dignity in their lives and surroundings at a time when they cannot express and articulate their needs, let alone their desires?

To ignore their importance as individuals in our families and in our country, to fail to listen to them, is as cruel a form of abuse as I can imagine. All of us must become their voices, which is why this motion is being presented.

•(1750)

Each one of us in this chamber has probably been touched by this issue through family and friends, as have I. We have seen the faces behind the statistics. For me, one of them was Muriel Hays, Senator Dan Hays' mother, who was a truly wonderful friend to me. Another one was mentioned by Senator Cohen, a former member of the House of Commons, Maurice Dionne, who represented the Miramichi for the Liberal Party for many years.

Maurice, who is 62 now, learned he had Alzheimer's around the beginning of this decade. He told me he had been experiencing memory lapses for some time, as we all do, but he did not fully face his concerns until the day he forgot to pick up one of his young sons at school. Maurice was one of those feisty New Brunswick politicians, similar to many whom we have in this chamber. He had fought vigorously for the benefits of his area throughout his career.

Prior to the 1993 general election, rather than simply retiring and returning to the Miramichi, he came to our national caucus to explain why he would not run again. That took courage. It was tough. For many there, myself included, it was a real lesson in understanding an issue which, even then, we seemed to discuss in whispers.

As all of us struggled to keep our composure that day, our colleague, typically, tried to reassure us with a bit of gentle humour by telling us that one of the positive sides of his disease was the number of new friends he discovered every day. When he left, Maurice and his wife, Precille, became public advocates on behalf of understanding and sensitivity for Alzheimer's. I was, and am, enormously proud of both of them. I called their home today simply to leave a message that this motion was being discussed today in the Senate, and that we were thinking of them and we will certainly send them a copy of the Hansard of today.

The other person closest to me in my life was my mother. Senator Prud'homme knew my mother. In her later years, she suffered from what was diagnosed simply as dementia. That was back in the mid-1980s. I asked if that meant Alzheimer's, but no one was prepared at that point to even commit to the word. So there she was.

When that diagnosis was made, she was quickly losing many of her cognitive faculties, including speech. It just went away. During her last three years, until her death at 92 years of age back in 1991, she did not speak at all. She was a gentle woman,

surrounded by gentle and compassionate caregivers, both to her and to me, during that period. Both she and they taught me a great deal about coming to grips with something that I could neither see nor hear. She never lost her capacity to recognize me, something for which I was enormously grateful.

Once I learned more of how to deal with this issue as best I could, it became clear that she did retain an understanding, certainly an understanding of certain voices right to the end. She also retained a sense of enjoyment of small things that had been part of her ordinary life. My husband and I would take her out, with difficulty because arthritis had incapacitated her and she was in a wheelchair, to picnics in our river valley in Lethbridge, where she enjoyed the breezes from the cottonwood trees, the wildlife, a sudden deer coming to the picnic, or rabbits, or chipmunks, or birds calling. She definitely had some faded recognition of the historic, high-level bridge which is a central feature of our community, and would gaze up at it fondly. She would wave and smile with her eyes at the children at play.

Soon there came a time when she did not want to go out any more. It was too difficult, so we just held hands and I talked. We would share on every occasion what remained to the end, I think, her greatest pleasure, which was a small chocolate sundae from the Dairy Queen.

I mention this only to underline how much we need to know and to feel in order to fulfil the mandate of this motion. That knowledge must include an understanding of that difficult period of time which leads up to the recognition of the problem. In retrospect, I feel a sadness that I did not fully and truly appreciate what my mother was entering into when her personality began to change. Without doubt, I could have helped with greater patience and sensitivity during that period when the anxiety and the fear of what the person is losing is escalating by the day. So often I was told that it was all just a part of growing old. However, it was much more than that. Those earliest days of change could have been better handled, with greater knowledge.

For that reason, I am so grateful to the Alzheimer's Society of Canada and all the societies attached to it in our province. I particularly welcome our local Lethbridge president, Beth Fisher, recently elected as president of the Alzheimer's Society of Alberta who is, I believe, in the gallery today.

I am also very proud of the efforts of a dear friend of mine, Keith Robin, who has worked tirelessly as a volunteer for the Heart and Stroke Foundation cause for the last 25 years. He was one of the early founders of the original committee in my hometown of Lethbridge. He was also president of the Alberta Heart and Stroke Foundation and a member of several of its national committees.

These kinds of leaders, and the leaders we have in the gallery today, along with so many other volunteers, have helped to build the base of fund-raising, of awareness programs, of assistance for those who are ill and those who must care and support them. All of us are in their debt.

The motion before us today takes us a step further in involving the government sector in a strong commitment to quality of life for those without voices, to care for those who are unable to care for themselves.

Honourable senators, I have been a senator for almost 15 years now, during which time I have also worked in our community. I wish to tell you that, in my experience, our seniors are the wisest, the most active, the most generous and the most boldly patriotic of all our citizens. They help all of us and, most especially, they help each other, particularly when the going gets tough.

• (1800)

We must never take them for granted. We must never let them down. Canadians pride themselves in being citizens of a nation that excels in terms of human rights, privileges and freedoms and its compassion in offering help to those who need help the most. Ultimately, that is our human challenge for the 21st century, and our success in meeting it will determine our success as a truly productive nation.

It is with enthusiasm and pride that I support this motion for a day of compassion so that May 20 will stand out each year as a day to remember the strength of our commitment.

As I conclude, honourable senators, I would simply remind you that Senator Hays and Senator Cohen are hosting a reception for our friends in Room 263, the Francophonie Room, when we conclude today. I hope all of us will join to give each other a hug or two, and to reaffirm our commitment today.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I presumed you do not wish me to see the clock?

Hon. Senators: Agreed.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I did not realize until today that we were going to follow up today on Senator Hay's excellent proposal. I am speaking on behalf of Senator Roche, who would like me to tell you that we would have appreciated advance notice that this excellent motion was to be debated today.

[English]

We did not know that it was to be implemented today. Neither Senator Roche nor I — and I have his permission to say this — would dare oppose such an excellent proposal.

[Translation]

It is an extraordinary coincidence that the four people who have spoken have brought four things to mind for me. I had the honour to sit in the United Nations with the father of Senator

Hays. When a person spends four months at the UN, he certainly gets to know people better.

Senator Carstairs happens to have mentioned her time in Calgary. At that time, I was very active with the Young Liberals and she invited me to speak to the students of her school in Calgary. A lot of people, even here in the Senate, do not realize that Senator Carstairs had a very illustrious career in Alberta.

When Senator Fairbairn was actively involved in the office of the Right Honourable Pierre Elliott Trudeau, I always made it a point to go to see her. Once I even went to visit her mother in Alberta, without telling her, just to please her.

Senator Cohen spoke to us of Maurice Dionne. I have a few remarks on this subject. Often, our society can be rather mean, not to say hypocritical. One evening, on leaving Parliament, I recognized Mr. Dionne. The first reaction people have when they meet someone who seems a little lost is to think they have drunk too much. I could see this was not the case with Mr. Dionne. He had in fact got lost between Parliament and my place. This was my first brutal contact with what Senators Hays and Cohen have described. It struck me for the rest of my days. I knew he was a hard man from having been in his company. He had very definite opinions on many subjects, but he taught me a lot. I looked after him.

I support this resolution. I have a few remarks to make about society's attitude to people who are losing their independence. Society is becoming harder and harder. Today, we arrive at a funeral home — as we did 30 or 40 years ago — to offer our condolences to the family of people we have known.

In the past, the young people even had a tear because they were touched by our sympathy. Today, people are glad we come to the funeral homes, they are very happy to see us, but we often hear comments like:

[English]

She was 85, or he was 95, and it was as if it did not matter any more. These were things that I never heard when I was younger, even as a member of the House of Commons. Today you hear that. Today, because society is becoming greedy, you hear people who say "Well, perhaps after all, you know, they have had their time, so we should have euthanasia." I do not want to open a debate on euthanasia, but it is almost related to this.

People got up this afternoon and thought on their feet, and made a speech if they felt like commenting. That is what I like best. This afternoon, we had a debate on another issue: The sanctity of life. It is a debate which is very important. I could see it was very difficult for the whip, I am sure, my esteemed friend and very difficult for some people to come to a decision. What was the subject-matter? Sanctity of life — to be ready to keep alive here in Canada the worst of the criminals. I voted for the abolition of a death penalty in a district that was 92 per cent in favour, and I was re-elected.

Perhaps we should reflect together as to what we can do as senators. We have a role to play. Is there something more important or more touching than reflecting on the resolution put forward to us by Senator Hays? We used to have a committee on poverty or ageing chaired by Senator Croll which produced an extraordinarily good report, if my memory serves me well.

We should involve people, and involve ourselves. Yes, May 20, thanks to your excellent suggestion, will be proclaimed, and it should be proclaimed. However, it is not only on May 20 that we should think of these issues. We are growing old, senators. I will not paraphrase the speech of Senator Hays. However, society is becoming older and older. We know what it will cost. Will we neglect these people who may have complete loss of autonomy and say that they are not productive in society? I commend all of these people who are with us today.

[Translation]

I offer my sincere congratulations to the people who came from Alberta today. It takes a lot of patience to look after someone who is losing his or her independence.

[English]

• (18:10)

I have that experience. It is unbelievable how much like a saint you must be daily to look after someone who has suffered a loss of autonomy.

I always like to make concrete suggestions. I would make more if I were a member of committees. That privilege will come someday, probably when I am out of here. I regret to put the two together.

I want to reflect on what we have been seeing during the last two days on television, these young people killing other young people. I call them rebels without a cause because the movie of that name influenced me when I was young. It was the great film of our youth. Honourable senators will have noticed that these were not poor students. They were not people who lived in the gutter of North America. They were wealthy children, and they killed each other. Is it not because —

[Translation]

Is it not because they do not have something concrete to do? Perhaps it is a loss of values, as Senator Nolin pointed out. In today's society, people no longer know what it means to respect life, to respect the elderly. There are debates to remove religion from our schools, whose teaching is supposed to make young people aware of fundamental values, to prevent us from becoming selfish. The "me, myself and I" attitude is the easiest path, but to give time to someone who is not even aware that you are giving him or her your precious time is of great value. If the honourable senator were to ask for my support, I would go anywhere to speak in schools. In Calgary, there are a few schools

I know well, but there are others elsewhere, including in New Brunswick, where Senator Cohen comes from. The important thing is to go and talk about these values to young people. I did so here in the Senate, with groups of young people.

[English]

The best group of young kids, so wealthy that you would not believe. It is called, I believe, the Commonwealth Society. They were all here. Instead of sitting where you are, Your Honour, I circulated in front of each and every one of them. It was a full house of boys and girls of tomorrow, from fabulously rich families. I spoke to them about values. People said, "You will break your neck." I said, "Fine."

[Translation]

I told them about human values. I talked to young girls of 17, 18 and 19, and to guys as strong as young bulls but with a very kind heart. I told them about romanticism, about things people no longer want to talk about. I told them about kindness toward the elderly — even as we are speaking, I am in that mood — and they began to weep quietly and to talk about euthanasia. At that point, everyone started telling his or her story.

[English]

"I have a grandmother who has Alzheimer's," said a tall, big, tough guy. When he started to talk about his grandmother having Alzheimer's, he defined what it meant to him, and he started to cry. You would not expect that. Everyone had a story.

It is terrible to talk always to the same senators that I see here for late debate. I hope other senators who have money, who have great staff outside of the Senate, would contribute in their own way to impress young people. These are the people thanking those who take the time, such as the people who are in the gallery, for the people who do not notice.

I will not name one of our ex-colleagues, whom all of you loved dearly, who is at the moment going through a terrible time because she does not recognize her best friends, myself included. She sat here in the Senate, at the highest place. She did not want anyone to make her live longer. At the moment, if you go to see her, she will not recognize you. She is one of our own.

Honourable senators, how can we not give our support, not only to reflect on it on May 20 every year? It is like Women's Day, which inspires rude jokes sometimes when you are with women. I come from a family where women were very independent minded. Those of you who know my sister should have known my mother. She was strong, and believed in equality between boys and girls. I often hear these words on Women's Day: "Well, you have had your day now." On Saint-Jean-Baptiste Day, we French Canadians often hear, "You got your day. Forget about it for the rest of the year."

I think it is every day we should have —

[Translation]

We should think about it, and more to the point, do something about it, every day. There are people in the Senate with the determination, the sensitivity to believe that they can make a contribution by conveying a bit more of this sense of values to humanity, which is crying out for messages of love and being given messages of war, of division. And all sorts of messages are out there. It is so much easier to be against blacks, Jews, French Canadians, when we should be promoting real human values every day.

Honourable senators, I will conclude by saying that, if we were asked to strike some sort of committee, I would be very pleased to be on it. If there were ever a place that should be looking at these issues, it is certainly the Senate and not the House of Commons. I thank Senator Hays for getting us to give some thought to this.

I also thank Senators Cohen, Fairbairn and Carstairs, because it was because of them that I rose spontaneously, although I naturally have a speech ready for almost all the other resolutions.

Motion agreed to.

[English]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, April 27, 1999, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday next, April 27, 1999, at 2:00 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (1st Session, 36th Parliament)
 Thursday, April 22, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications	98/04/02	four	98/05/27	98/06/18	20/98
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20	98/06/11	12/98
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16	98/05/12	06/98
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11	98/05/12	09/98
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce	98/02/24	one	98/03/19	98/06/11	13/98
S-16	An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	98/05/05	98/05/12	Foreign Affairs	98/05/28	none	98/06/02	98/12/03	33/98
S-21	An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts	98/12/01	98/12/03	Whole	98/12/03	one at 3rd	98/12/03	98/12/10	34/98
S-22	An Act authorizing the United States to pre-clear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health	98/12/01	99/02/11	Foreign Affairs	99/03/24	four			

S-23	An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier	98/12/10	99/02/03	Transport and Communications	99/03/11	none	99/03/16
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**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-3	An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts	98/09/30	98/10/22	Legal and Constitutional Affairs	98/12/08	none	98/12/09	98/12/10	37/98
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18	98/02/26	Agriculture and Forestry	98/05/14	five	98/05/14	98/06/11	17/98
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce	98/02/24	none	98/02/25	98/03/31	01/98
C-6	An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts	98/03/18	98/03/26	Aboriginal Peoples	98/06/09	none	98/06/18	98/06/18	25/98
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-8	An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas	98/03/17	98/03/25	Aboriginal Peoples	98/03/31	none	98/04/01	98/05/12	05/98
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/11/27	97/12/08	97/12/09	none	97/12/10	97/12/10	38/97
	Banking, Trade and Commerce								
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	97/12/04	97/12/08	none	97/12/08	97/12/08	36/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	98/06/04	98/06/08	none	98/06/11	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	97/11/06	97/11/18	none	97/11/27	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	98/06/10	98/06/11	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	97/12/16	97/12/17	none	97/12/18	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	98/03/25	98/04/29	none	98/05/12	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	98/04/02	98/04/28	none	98/05/12	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	98/06/18	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/09/24	98/11/17	98/12/03	98/12/10	none + two at 3rd	99/03/11	99/03/11	02/99
				99/02/16	98/12/10 Commons amendments referred to Committee 99/02/11	concur in Commons amendments			
C-21	An Act to amend the Small Business Loans Act	98/03/19	98/03/25	98/03/26	98/03/31	none	98/03/31	98/03/31	04/98
	Banking, Trade and Commerce								

C-22	An Act to implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04	—	—	—	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97
C-25	An Act to amend the National Defence Act and to make consequential amendments to other Acts	98/06/11	98/06/18	Legal and Constitutional Affairs	98/11/24	one	98/12/01	98/12/10	35/98
C-26	An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act	98/06/08	98/06/16	Agriculture and Forestry	98/06/18	none	98/06/18	98/06/18	22/98
C-27	An Act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements	99/04/21							
C-28	An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act	98/04/28	98/05/12	Banking, Trade and Commerce	98/06/04	none	98/06/16	98/06/18	19/98
C-29	An Act to establish the Parks Canada Agency and to amend other Acts as a consequence	98/06/03	98/06/15	Energy, the Environment and Natural Resources	98/10/20	none	98/11/19	98/12/03	31/98
C-30	An Act respecting the powers of the Miikmaq of Nova Scotia in relation to education	98/06/11	98/06/16	Aboriginal Peoples	98/06/18	none	98/06/18	98/06/18	24/98
C-31	An Act respecting Canada Lands Surveyors	98/05/07	98/05/26	Energy, the Environment and Natural Resources	98/06/09	none	98/06/10	98/06/11	14/98

C-33	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	98/03/18	98/03/25	—	—	—	98/03/31	02/98
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/03/18	98/03/26	—	—	—	98/03/31	03/98
C-35	An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act	98/12/07	99/02/17	Foreign Affairs	99/03/24	none	99/03/25	12/99
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/17	21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04	30/98
C-38	An Act to amend the National Parks Act (creation of Tuktut Nogait National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10	39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/06/09	none	98/06/10	15/98
C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs	99/03/25	none		
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance	99/02/18	none	99/03/02	04/99
C-42	An Act to amend the Tobacco Act	98/12/02	98/12/08	Legal and Constitutional Affairs	98/12/10	none	98/12/10	38/98
C-43	An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence	98/12/08	99/02/10	National Finance	99/03/18	none		
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	28/98
C-46	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	29/98
C-47	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	98/06/11	98/06/16	Banking, Trade and Commerce	98/06/17	none	98/06/18	23/98
C-49	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management	99/03/09	99/04/13	Aboriginal Peoples				
C-51	An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act	98/11/18	98/12/03	Legal and Constitutional Affairs	99/03/04	none	99/03/09	05/99

C-52	An Act to implement the Comprehensive Nuclear Test-Ban Treaty	98/10/20	98/10/28	Foreign Affairs	98/11/18	one	98/11/24	98/12/03	32/98
C-53	An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses	98/11/25	98/12/02	Banking, Trade and Commerce	98/12/08	none	98/12/09	98/12/10	36/98
C-55	An Act respecting advertising services supplied by foreign periodical publishers	99/03/16	99/03/24	Transport and Communications 99/03/25					
C-57	An Act to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence	98/12/07	98/12/10	Legal and Constitutional Affairs	99/02/18	none	99/03/02	99/03/11	03/99
C-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02	99/02/11	Transport and Communications	99/03/17	none	99/03/18	99/03/25	09/99
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce	99/02/16	none	99/02/18	99/03/11	01/99
C-60	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/12/02	98/12/08	—	—	—	98/12/09	98/12/10	40/98
C-61	An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof	99/03/16	99/03/18	Social Affairs, Science & Technology	99/03/23	none	99/03/24	99/03/25	10/99
C-65	An Act to amend the Federal-Provincial Fiscal Arrangements Act	99/03/11	99/03/16	National Finance	99/03/23	none	99/03/24	99/03/25	11/99
C-73	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	99/03/17	99/03/23	—	—	—	99/03/24	99/03/25	14/99
C-74	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/03/17	99/03/24	—	—	—	99/03/25	99/03/25	15/99
C-76	An Act to provide for the resumption and continuation of government services	99/03/24	99/03/24	Committee of the Whole 99/03/25	99/03/25	none	99/03/25	99/03/25	13/99

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-208	An Act to amend the Access to Information Act	98/11/17	99/02/11	Social Affairs, Science & Technology	99/03/11	none	99/03/16	99/03/25	16/99
C-220	An Act to amend the Criminal Code and the Copyright Act (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs	98/06/10 adopted	recommend Bill not proceed			
C-410	An Act to change the name of certain electoral districts	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	two	98/06/09	98/06/18	27/98
C-411	An Act to amend the Canada Elections Act	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	none	98/06/09	98/06/11	18/98
C-445	An Act to change the name of the electoral district of Stormont-Dundas	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	07/99
C-464	An Act to change the name of the electoral district of Sackville-Eastern Shore	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	08/99
C-465	An Act to change the name of the electoral district of Argenteuil-Papineau	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/09	99/03/11	06/99

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					
S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology	98/04/30	two	Dropped from Order Paper pursuant to Rule 27(3) 98/10/01		
S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03	none	referred back to Committee 98/09/24		
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/12/09	one			
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10	98/05/06	Legal and Constitutional Affairs	98/06/04	one	98/06/09	Motion for 2nd reading negatived in the Commons 99/04/13	
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)	98/02/26	98/04/02	Social Affairs, Science & Technology	98/05/14	seven + two at 3rd	98/06/10	Bill withdrawn pursuant to Commons Speaker's Ruling 98/12/02	
S-14	An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)	98/03/25	98/03/31	Aboriginal Peoples					
S-15	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	98/04/02	98/06/09	Legal and Constitutional Affairs	98/06/18 Report & Bill withdrawn 98/12/08	four			
S-17	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	98/05/12	98/06/02	Legal and Constitutional Affairs					
S-19	An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestall)	98/06/18							
S-24	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Beaudoin)	99/03/03							
S-26	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/03/10							

PRIVATE BILLS

S-27	An Act to amend the Canada Elections Act (hours of polling at by-elections) (Sen. Lynch-Staunton)	99/03/16							
S-28	An Act to amend the Canada Elections Act (hours of polling in Saskatchewan) (Sen. Andreychuk)	99/04/20							
S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.) <i>Dropped from Order Paper pursuant to Rule 27(3) 98/11/17</i> <i>Restored to Order Paper 99/04/15</i>	98/06/17	99/04/20	Banking, Trade and Commerce					
S-20	An Act to amend the Act of Incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (Sen. Taylor)	98/09/23	98/10/29	Social Affairs, Science & Technology	98/12/03	three	98/12/09	99/03/25	
S-25	An Act respecting the Certified General Accountants Association of Canada (Sen. Kirby)	99/03/04	99/03/23	Banking, Trade and Commerce	99/04/20	two	99/04/22		

CONTENTS

Thursday, April 22, 1999

	PAGE		PAGE
SENATORS' STATEMENTS		National Defence	
Canada Book Day		NATO Forces in Former Yugoslavia—Use of Nuclear Weapons—	
Senator Fairbairn	3115	Government Position. Senator Carney	312
Senator Lynch-Staunton	3115	Senator Graham	312
United Kingdom of Great Britain and Ireland		Air Strikes by NATO Forces in Former Yugoslavia—CF-18	
Reform of House of Lords. Senator Austin	3115	Bombing in Recent Foray Depicted in News Media—	
British Columbia Coastal Parliamentarians Group		Denial by Officials—Responsibility of Government.	
Senator Carney	3117	Senator LeBreton	312
Genocide of Armenian People		Senator Graham	312
Commemoration of Eighty-Fourth Anniversary.		Canada-United States Relations	
Senator Maheu	3118	Loss of Favoured Exemption from International Traffic in Arms	
The Late Wallace Pike		Regulations—Possible Trade Dispute with United States—	
Tribute. Senator Rompkey	3118	Efforts to Tighten Arms Export Policy. Senator Nolin	312
Visitors in the Gallery		Senator Graham	312
The Hon. the Speaker	3119	Visitors in the Gallery	
		The Hon. the Speaker	312
		Senator Senators	312
QUESTION PERIOD		ORDERS OF THE DAY	
National Defence		Canada Customs and Revenue Agency Bill (Bill C-43)	
NATO Forces in Former Yugoslavia—Deployment of Ground		Third Reading—Motion in Amendment—Vote Deferred.	
Troops—Availability of Support Elements—		Senator Stratton	312
Government Position. Senator Forrestall	3119	Motion in Amendment. Senator Stratton	312
Senator Graham	3119	Senator Tkachuk	312
NATO Forces in Former Yugoslavia—Deployment of Ground		Senator Mercier	312
Troops—Length of Training Period. Senator Forrestall	3119	Extradition Bill (Bill C-40)	
Senator Graham	3119	Third Reading—Motions in Amendment—Debate Continued.	
Foreign Affairs		Senator Joyal	312
Conflict in Former Yugoslavia—Efforts by Government to		Senator Nolin	313
End War. Senator Roche	3119	Senator Kinsella	313
Senator Graham	3119	Senator Fraser	313
Conflict in Former Yugoslavia—Efforts by Government to End		Senator Murray	313
War—Comments by Leading Figures. Senator Roche	3120	Senator Cools	313
Senator Graham	3120	Senator Robichaud	313
National Defence		Private Bill (Bill S-25)	
NATO Forces in Former Yugoslavia—Deployment of Ground		Certified General Accountants Association of Canada—	
Troops—Government Position. Senator Lynch-Staunton	3120	Report of Committee Adopted. Senator Oliver	313
Senator Graham	3120	Third Reading.	313
North Atlantic Treaty Organization		Senator Oliver	313
Forthcoming Summit—Deployment of Ground Troops as Agenda		Business of the Senate	
Item—Government Position. Senator Andreychuk	3121	Senator Prud'homme	313
Senator Graham	3121	Senator Corbin	313
		Senator Roche	313
		Senator Carstairs	313

	PAGE		PAGE
Privileges, Standing Rules and Orders		Visitors in the Gallery	
Consideration of Ninth Report of Committee—Order Stands.		The Hon. the Speaker	3141
Senator Prud'homme	3138		
Senator Kinsella	3138		
Recombinant Bovine Growth Hormone		Compassion for Citizens Suffering Loss of Autonomy	
Consideration of Interim Report of Agriculture and Forestry		Motion to Establish Day of Recognition. Senator Hays	3141
Committee on Study of Effect on Human and Animal Health—		Senator Cohen	3143
Debate Continued. Senator Taylor	3138	Senator Carstairs	3145
Excise Tax Act (Bill S-10)		Senator Fairbairn	3146
Bill to Amend—Consideration of Report of Committee—		Senator Prud'homme	3148
Debate Continued. Senator Bryden	3139		
Senator Murray	3140	Adjournment	
Senator Lynch-Staunton	3141	Senator Carstairs	3150
		Progress of Legislation	i



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CANADA

Debates of the Senate

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• 36th PARLIAMENT

• VOLUME 137

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OFFICIAL REPORT
(HANSARD)

Tuesday, April 27, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, April 27, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, this afternoon will be a somewhat different afternoon.

The Hon. the Speaker: Honourable senators, order, please, so that we may hear!

Senator Carstairs: Honourable senators, the Minister of Foreign Affairs and the Minister of Defence have agreed to meet with honourable senators in Room 160 at 4:30 p.m. Therefore, as close to 4:20 p.m. as possible, rather than interrupt His Honour if we do not need to do so, we will suspend the session of the Senate in order for those senators who wish to attend that briefing to be able to do so.

We have a vote scheduled in this chamber for 5:30 p.m. this evening. Normally, the bells would commence to ring at 5:15 p.m. for that vote. However, that would only allow 45 minutes for the briefing. Therefore, it has been agreed that the bells will ring at 5:30 p.m. and that the vote will be held at 5:45 p.m., so that there will be a full hour for the briefing with the Minister of Defence and the Minister of Foreign Affairs.

I believe there is agreement in the chamber for that particular proposal.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to ask a question of the Deputy Leader of the Government. Why will the briefing — as welcome as it is — be in the nature of a private briefing rather than a public one? I would feel better if what we are to hear were made public, whereas what we are to be told privately may be in confidence.

For logistical reasons, it will take us 10 minutes to leave this room and go downstairs, and then 10 minutes to get back here, if not more. Why can we not meet the ministers in this room, in a Committee of the Whole, where we will all be in place, have a public information session and feel more relaxed about an exchange of views? If we are to be briefed in private — that is, unless my suspicions are not well-founded, and I hope they are not — I have a feeling it is because we might be given some information that the government would not want made public. I would be very uncomfortable with that kind of briefing.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I understood that there were three options on the table: One was the kind of briefing that we would have this afternoon, another was by way of a Committee of the Whole, and a third was a reference to the Foreign Affairs Committee. It was my understanding and my conclusion that, generally speaking, senators favoured the kind of briefing that we have set up for this afternoon.

• (1410)

If honourable senators had wanted to proceed by way of Committee of the Whole — and that is not to pre-judge or rule out that possibility in the future, on this or on any other subject — that should have been so stated. My conclusion was that we had a general agreement to follow this route of a private briefing this afternoon.

I wish to assure my honourable friends that the Minister of Foreign Affairs and the Minister of National Defence did not object to a Committee of the Whole. However, it was my conclusion — and I thought there was consensus — that, for now, this is the route we would like to follow.

Senator Lynch-Staunton: Honourable senators, I am not aware that preferences were given to any format over that of Committee of the Whole since, on this side, that was always our main suggestion. The word “private” only came about when we received a memo from the leader’s office.

If the ministers are comfortable coming to Committee of the Whole, and the Senate itself is comfortable with that format, surely, unless there is some violent objection, we could agree to that now and carry on under normal conditions, rather than going *in camera* to be entertained on an important topic, information about which should be shared with all Canadians and which should not just be the privilege of a select few.

Senator Graham: Honourable senators, I believe we are a bit too far down the road now to start changing the understanding and the agreement that we had. I talked personally with the Leader of the Opposition on this particular point, and I understand that the deputy leader talked with her counterpart, Senator Kinsella. In organizing this briefing, I was responding to a suggestion made several weeks ago by Senator St. Germain.

I can check the record but I do believe I did suggest that there were options. However, rightly or wrongly, I came to the conclusion that, for now, this was the forum, the procedure, that we had agreed to follow.

Senator Lynch-Staunton: Honourable senators, can the Leader of the Government assure us that, whether we meet privately or publicly with the two ministers, any information they will share with us is information that can be made public?

Senator Graham: Honourable senators, the honourable senator should put that question directly to the Minister of Foreign Affairs and to the Minister of National Defence. I would not expect that Senator Lynch-Staunton will rush out of the meeting this afternoon and tell the press: "You should have heard what we just heard in there!" I do not think that that is his intention at all. In any event, he can put the question directly to both ministers. I presume that everything they will be telling us is in the public domain.

Given the numbers of senators who, it is hoped, will be attending such a session, I did not anticipate that there would be any room for the press. We had not reached any agreement, and it had not been suggested to me that we should have the press present in the room, whether it be newspapers or the broadcast media.

Senator Lynch-Staunton: Perhaps between now and four o'clock, the Leader of the Government would inquire of the two ministers who are invited to appear at this private briefing, and get their assurance that no information will be given which can only be given in private, and not in public. I, for one, would be very uncomfortable attending a private briefing and being given information that I could not publicly ask questions about because I have information which I should not be sharing.

Senator Graham: Honourable senators, it should be perfectly clear, and I agree that it would not be fair for the Honourable Senator Lynch-Staunton to use some information received today to build on a question for the Leader of the Government tomorrow, or on another day. However, I do not understand what his hesitancy is on this particular question at the present time.

Let us take the briefing in good faith. If the honourable senator wishes, I can go and ask both ministers if they will be telling us something top secret that they do not wish to have put into the public domain. I would doubt that very much.

Senator Lynch-Staunton: That makes the format even more mystifying. If everything is to be shared with everyone, let us share it in this room.

Senator Graham: Honourable senators, in all fairness, Senator Lynch-Staunton had every opportunity to suggest that we should be going the route of Committee of the Whole and nothing else. He and I have had several discussions on this particular point. He did not insist on Committee of the Whole. He thought this was a fair start. That was my conclusion. That is why I suggest that we should go ahead and try this format. If honourable senators are not satisfied, then we will try Committee of the Whole.

As honourable senators know, it happens that the ministers are available at this particular time. I do not attach urgency to the matter, but I feel that it is a matter of very great importance.

According to the political press, the Minister of Foreign Affairs will be meeting with President Havel in Winnipeg, before going directly to Russia. That information is also in the public domain. There he will attend negotiations with respect to the situation in Kosovo.

Senator Lynch-Staunton: Let us not distort what our discussion was about. We always wanted to have a briefing, and we are delighted to have a briefing, but we had assumed that it would be a public briefing, and we are wondering why the insistence on a private briefing on a matter of such public importance.

Senator Graham: If you wanted a public briefing, complete with all the bells and whistles, cameras and reporters, then you should have made that clear, Senator Lynch-Staunton. My understanding is that this would be a briefing for senators only.

Senator Lynch-Staunton: No, it should be public.

The Hon. the Speaker: Honourable senators, are there any further questions on the business of the Senate for this afternoon?

Senator Carstairs, would you outline again, clearly, what the business is so that we can reach agreement?

Senator Carstairs: Honourable senators, we will suspend the session at approximately 4:20 p.m. The briefing will take place thereafter in Room 160-S. The bells will ring at 5:30 p.m. for a vote on an amendment introduced by Senator Stratton or Bill C-46 at 5:45 p.m.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

SENATORS' STATEMENTS

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF ORGANIZATION ON SECURITY
AND COOPERATION IN EUROPE IN PARIS, FRANCE

Hon. Jeremiah S. Grafstein: Honourable senators, last week, as vice-chairman of the economic committee, I attended a meeting of the OSCE Extended Bureau, representing the leadership of the OSCE Parliamentary Assembly in Copenhagen.

As I had briefly reported to the Senate, the OSCE is deeply involved in the Kosovo question, having sent over 1,400 volunteers as members of the Kosovo Verification Mission which was withdrawn on March 23 in anticipation of the NATO action. The OSCE has been actively engaged in issues respecting the former Yugoslavia and recently, most particularly, with respect to Kosovo.

The OSCE represents 54 countries that include all former members of the Warsaw Pact and NATO, including the former Republic of Yugoslavia, whose membership is temporarily suspended. The jurisdiction of the OSCE, as honourable senators know, stretches from Vladivostok to Vancouver.

I thought it was important at this meeting that there be a consensus document which could be supported by all members represented. Hence I proposed to the meeting, supported by parliamentarians from Ukraine, Switzerland, Lithuania, Estonia and Georgia, and then, laterally, by France, Germany and the United States, that the leadership of the OSCE Assembly support the statement of the Secretary General of the United Nations, made April 9, 1999, in Geneva.

The distinguished president of the assembly took this consensus as a directive for her to issue a statement that was released following our meeting last Friday, on April 23, in Copenhagen. It stated:

The President of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, Mrs. Hella Degn, speaking on behalf of the leadership of the Assembly, which is meeting in Copenhagen today, expressed strong support for the recent statement made by the Secretary General of the United Nations on the crisis in Kosovo.

"The statement by Annan, made on 9 April 1999, is carefully balanced and reflects the deep concerns of the leadership of the OSCE Parliamentary Assembly," said President Degn, who is also the Chairman of the Foreign Policy Committee of the Danish Parliament. President Degn pointed out that the OSCE is a Regional Organisation of the United Nations which works closely with and assists the UN in areas of crisis within the region.

• (1420)

"This is a political, economic and human tragedy of astounding scale which will have serious repercussions for many years," Mrs. Degn said, "and involves actions and consequences which the international community has not confronted since the beginning of the Second World War."

President Degn went on to say that:

"The OSCE area — as well as the entire world — contains many states and regions with multi-ethnic populations that must not be allowed to fall into the terrible circumstances that we are witnessing in the Balkans. We must — the OSCE, the UN, the European Union and all responsible nations — do our utmost to end this conflict and to take measures to prevent other such conflicts from occurring in the future."

"The civilized world strongly condemns the cruel repression and appalling ethnic cleansing that is taking place in Kosovo and calls for the punishment of those

responsible" concluded Mrs. Degn, "and I hope that all parties will listen to and heed the urging of the Secretary-General of the United Nations."

President Degn also added that there will be a thorough discussion on the Kosovo crisis at the OSCE Parliamentary Assembly's Annual Session which will take place in St. Petersburg, Russia, at the beginning of July.

The OSCE Parliamentary Assembly is composed of 317 Members of Parliament from 54 countries of the Organisation for Security and Cooperation in Europe.

Honourable senators, I wish to quote briefly from the statement of the Secretary General of the United Nations of April 9, 1999.

The Hon. the Speaker: I regret to interrupt the honourable senator, but his three-minute time period has expired.

Is leave granted to allow the honourable senator to finish his statement?

Hon. Senators: Agreed.

Senator Grafstein: It is important, honourable senators, that I repeat briefly the essence of the statement of the Secretary-General of the United Nations which he made in Geneva on April 9, 1999. It is most cogent in the current situation. In that statement he urged the Yugoslavia authorities:

...to end immediately the campaign of intimidation and expulsion of the civilian population;

to cease all activities of military and paramilitary forces in Kosovo and to withdraw these forces;

to accept unconditionally the return of all refugees and displaced persons to their homes;

to accept the deployment of an international military force to ensure a secure environment for the return of refugees and the unimpeded delivery of humanitarian aid, and

to permit the international community to verify compliance with the undertakings above.

He went on to say:

Upon the acceptance by the Yugoslav authorities of the above conditions, I urge the leaders of the North Atlantic Alliance to suspend immediately the air bombardments upon the territory of the Federal Republic of Yugoslavia.

Ultimately, the cessation of hostilities I propose above is a prelude to a lasting political solution to the crisis, which can only be achieved through diplomacy. In this context, I would urge the resumption of talks on Kosovo among all parties concerned at the earliest possible moment.

Honourable senators, I intend to give a more detailed report of the OSCE activities and the substance of the meeting in Copenhagen, which is a preliminary to the full assembly to be held in St. Petersburg, Russia, in July.

When the report of our meeting in Copenhagen is available, I will table the same in the Senate and make a fuller exposition.

ROUTINE PROCEEDINGS

BANKING, TRADE AND COMMERCE

STATE OF FINANCIAL SYSTEM—BUDGET REPORT OF COMMITTEE ON STUDY PRESENTED AND ADOPTED

Hon. Michael A. Meighen, Acting Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, April 27, 1999

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TWENTY-THIRD REPORT

Your Committee, to which was authorized by the Senate on Wednesday, October 22, 1997, to examine and report upon the present state of the financial system in Canada, now requests approval of funds for 1999-2000.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

MICHAEL A. MEIGHEN
Acting Chairman

(For text of appendix, see today's Journals of the Senate, p. 1490.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Meighen: Honourable senators, with leave of the Senate and notwithstanding rule 51(g), I move that the report be adopted now.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[Translation]

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, April 28, 1999, at 1:30 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING HELD IN NIAMEY, NIGER— REPORT OF CANADIAN DELEGATION TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian section of the Assemblée parlementaire de la Francophonie and the related financial report. This report related to the meeting of the APF Education Communications and Cultural Affairs Commission, which was held in Niamey, Niger, on February 15 and 16, 1999.

[English]

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Stewart, that with leave of the Senate and notwithstanding rule 58(1)(a):

That the Standing Senate Committee on Foreign Affairs have power to sit at 2:45 p.m. today, Tuesday, April 27, 1999, even though the Senate may then be sitting, and that rule 95(4) be suspended thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I call your attention to the presence in our gallery of some distinguished visitors. Members of the Association française Montréal accueil are here at the invitation of the Honourable Senator Prud'homme. They are accompanied by Mme Geneviève Gauchard, the wife of the French Ambassador.

Welcome to the Senate, ladies. We are delighted to see that you are interested in our deliberations.

[English]

QUESTION PERIOD

HUMAN RESOURCES DEVELOPMENT

AUDITOR GENERAL'S REPORT—EFFECTIVENESS OF NATIONAL CHILD BENEFIT PROGRAM—GOVERNMENT POSITION

Hon. Erminie J. Cohen: Honourable senators, the report of the Auditor General on the study of the National Child Benefit Program was tabled on April 20 in the other place. The National Child Benefit, an arrangement between the federal government, the provinces and the territories, is committed to publishing an annual report and an accountability audit. The Auditor General's report is timely in that it addresses issues of concern at an early stage of implementation. The concern expressed by the Auditor General focuses on the quality and quantity of information the public will receive.

• (1430)

My question is to the Leader of the Government in the Senate. How can the government assure Canadians that they are getting accurate and adequate information on whether the money for the program has been spent for the purposes intended and that money spent for the purpose of alleviating difficulties faced by low-income families is achieving the desired effect and outcomes. In other words, honourable senators, given the large cost of the National Child Benefit, can the federal government demonstrate that it has taken adequate measures to audit the effectiveness of the tax benefit?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the Auditor General's report indeed had some criticisms in some areas but was very laudatory in others. One of the great checks in our system of government is the work of the Auditor General on programs such as those which have been referenced by Senator Cohen. We also have excellent public servants who monitor the programs on a regular basis, and I have great faith in those people. However, there are occasions when we do not get 100 per cent value for the money that has been allotted, but I wish to assure the honourable senator that every

effort is being made by our very outstanding public servants to monitor the program very carefully.

NORTH ATLANTIC TREATY ORGANIZATION

CONFLICT IN YUGOSLAVIA—DEPLOYMENT OF GROUND TROOPS—REQUEST FOR CANADIAN SUPPORT

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate.

I ask the minister if his briefing notes or his own personal knowledge are such that he can indicate precisely when Canada received the request for ground forces from NATO?

Hon. B. Alasdair Graham (Leader of the Government): I do not know, honourable senators, whether it was on the weekend or yesterday. It was certainly very recent, because the Prime Minister himself made the announcement in the other place at approximately 12:15 today, after the cabinet meeting of this morning.

As a matter of fact, honourable senators, I have a copy of the announcement. If it is the desire of the Senate to have me table it in both official languages, I would be glad to do so.

Senator Forrestall: That would be an excellent idea, honourable senators.

The Hon. the Speaker: Honourable senators, the Honourable Senator Graham had asked that a document be tabled. Is it agreeable, honourable senators?

Hon. Senators: Agreed.

NATO FORCES IN YUGOSLAVIA—DEPLOYMENT OF GROUND TROOPS—ASSIGNMENT IN MACEDONIA

Hon. J. Michael Forrestall: Honourable senators, considering that this weekend's NATO summit gave a security guarantee to front-line states within the region, I ask the government leader whether the Canadian units being deployed to Macedonia will join other NATO units in responding to incursions on Macedonia's border.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware that they will be deployed in that respect. In the initial stages, they will be attached to a British contingent and will do their training with the British. They will be used, in the initial stages, to help in humanitarian efforts.

NATO FORCES IN YUGOSLAVIA—DEPLOYMENT OF GROUND TROOPS—UNITS TO BE ASSIGNED

Hon. J. Michael Forrestall: Honourable senators, is the minister in a position today to indicate to the chamber which Canadian units, and in what numbers, will be involved?

Hon. B. Alasdair Graham (Leader of the Government): My understanding, honourable senators, is that it is a reconnaissance unit of 800 personnel, with 250 vehicles and eight helicopters.

Senator Forrestall: Not Sea Kings, I hope.

Senator Graham: No. They will be Griffins.

FOREIGN AFFAIRS

CONFLICT IN YUGOSLAVIA—POSSIBLE PEACE PROPOSAL— VISIT OF MINISTER TO RUSSIA—GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, my question is to the Leader of the Government in the Senate. Last week I criticized the government for not doing anything to end the Kosovo war, and today I wish to commend the government for opening up a diplomatic channel with Russia, as witnessed by the forthcoming visit to Moscow of the Minister of Foreign Affairs. In that context, can the Leader of the Government inform the Senate whether Canada will bring forward, in Moscow, a proposal for a diplomatic solution to the Kosovo crisis through the involvement of Russia and the United Nations?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as my honourable friend will know, President Yeltsin has appointed former prime minister Chernomyrdin as a special envoy. He has met with President Milosevic. The resulting peace proposal fell far short of NATO terms, but, as I indicated last week, all NATO partners, particularly the United States and Canada, continue to engage Russia. As part of that effort, the Minister of Foreign Affairs will travel to Moscow on Thursday. He will also be meeting with UN Secretary-General Kofi Annan, whose visit to Moscow happens to coincide with Foreign Minister Axworthy's visit. As well, he will be meeting with Russian Foreign Minister Ivanov.

As to the specifics of any proposal, there are proposals that have been made by NATO, the UN Secretary-General, and the European Union. They do not vary too much, except that one of the proposals by the European Community suggested that there be a 24-hour ceasefire, provided the Serbs agree to all of the terms and conditions laid down by Secretary-General, NATO, and, indeed, the European Community.

With regard to the specifics that Minister Axworthy would be bringing to the table in Russia, I am sure that he might have some proposal. It might be something that my honourable friend might wish to explore with Minister Axworthy this afternoon.

CONFLICT IN YUGOSLAVIA—RESISTANCE TO FURTHER ESCALATION IN SUPPORT OF POSSIBLE PEACE PROPOSAL— GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, I thank the leader for that response. I may be behind the curve ball as I did not hear the Prime Minister at noon, so perhaps the leader could enlighten me in that respect.

Can we dare to hope that the Government of Canada will resist any further expansion of the war, through either ground troops or a naval blockade, in order to give this new diplomatic initiative every opportunity of succeeding?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, first, with respect to the naval blockade,

using NATO ships to interdict oil supplies in the Adriatic Sea is only one of the options that would be examined with our allies. Contrary to reports in the media, no decision has been made on this issue. As such, any talk of Canada participating in a naval blockade is really premature. As we made clear on the weekend, we are looking to ensure that none of the actions we take on this front will harm our relations with Russia.

With regard to the first part of the honourable senator's question, perhaps I could just read the last few paragraphs from the Prime Minister's statement today, which I shall table in both official languages. He said:

As Canadians also know, the government, together with our NATO allies, is also involved in seeking a diplomatic resolution to this crisis. That is why the Minister of Foreign Affairs is travelling this week to Moscow to meet with Russian officials and the Secretary-General of the United Nations.

I am confident that the military and diplomatic course that NATO is pursuing will, over time, bring a just end to the crisis.

But, Mr. Speaker, I would also like to assure all members that if there is a NATO request to deploy Canadian troops in combat, the House will be consulted before any final decision is taken.

[Translation]

NORTH ATLANTIC TREATY ORGANIZATION

CONFLICT IN YUGOSLAVIA— SUMMIT MEETING IN WASHINGTON—IMPOSITION OF EMBARGO ON MILITARY EQUIPMENT AND OIL SUPPLY— POSITION OF THE PRIME MINISTER

Hon. Fernand Roberge: Honourable senators, at the Washington summit last weekend, NATO decided to heighten military action to put further pressure on Belgrade. The Allied governments will put additional measures in place to submit the Belgrade government to heavy sanctions. These measures include more economic sanctions and the imposition of an oil embargo proposed by the European Union last week.

On this occasion, the Alliance asked the Ministers of Defence of the member countries to determine ways NATO could help stop shipments of military equipment and oil, including the initiation of naval operations in the form of a naval blockade of the ports in Montenegro. This measure also received the support of a number of countries in Eastern Europe and of Russia.

Given that NATO does not have a clear position on the imposition of an embargo or a naval blockade, which would not be in agreement with international law, could the Leader of the Government tell us what position the Prime Minister defended in this regard at last week's meeting?

[English]

• (1440)

Hon. B. Alasdair Graham (Leader of the Government): As I said, honourable senators, no conclusion was reached. The idea of using NATO maritime assets to interdict Milosevic's oil supplies was discussed on the weekend. All of the allies agreed that cutting off Milosevic's oil supplies would be desirable. Contrary to the media reports, however, the alliance has not taken a position on the use of NATO ships in this role. The NATO decision to proceed with an oil embargo is particularly important in order to ensure that Canadian firms do not become involved in the supply of petroleum-related products in Yugoslavia.

[Translation]

Senator Roberge: Could Senator Graham tell us whether the question of imposing an oil embargo against Yugoslavia will be raised in the discussions between the Minister of Foreign Affairs and the Russian mediator, former prime minister Victor Chernomyrdin?

[English]

Senator Graham: Honourable senators, I could only presume that that would form part of the discussion. Again, the honourable senator will have the opportunity of engaging Foreign Minister Axworthy on that point this afternoon.

Hon. A. Raynell Andreychuk: Honourable senators, to follow up on that point, the Prime Minister is quoted in *The Globe and Mail* as saying that all NATO nations decided to impose the blockade to ensure that oil would not be coming in by the other door.

Am I to assume from the previous comments of the Leader of the Government in the Senate that the Prime Minister did not make those statements?

Senator Graham: Honourable senators, I am not suggesting that at all. I am merely saying that all options are being examined.

Senator Andreychuk: Therefore, the statement in the newspaper was correct?

Senator Graham: I have not had the opportunity to read that particular story.

Senator Andreychuk: Could we get a response to that question as soon as the Leader of the Government in the Senate has had an opportunity to see *The Globe and Mail* report?

FOREIGN AFFAIRS

CONFLICT IN YUGOSLAVIA—POSSIBLE PEACE PROPOSAL— VISIT OF MINISTER TO RUSSIA—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, could the Leader of the Government in the Senate advise as to whether Minister Axworthy is going to Russia on a Canadian mission, or is it with the consent of and on behalf of NATO?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Senator Andreychuk could ask Minister Axworthy that question herself this afternoon. However, I do not believe that Canada would take such an initiative in a stand-alone situation. I believe that we would have advised our NATO allies of Minister Axworthy's visit. We have of course supported all diplomatic efforts on the part of other allied nations, and the Prime Minister and Minister Axworthy should be commended for their effort in this respect.

CONFLICT IN YUGOSLAVIA—EFFECT OF NAVAL BLOCKADE— VISIT OF MINISTER TO RUSSIA—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, Canada may be assuming rotating command of the NATO standing force in the Atlantic and therefore would have a prime role in the blockade.

Therefore, in discussing the issue of Kosovo with Russia, will the minister include the effect of the blockade?

Hon. B. Alasdair Graham (Leader of the Government): I can only presume, honourable senators, that that would be the case. However, again, I shall leave it to Minister Axworthy to reply directly to Senator Andreychuk on that particularly point later today.

CONFLICT IN YUGOSLAVIA—PLIGHT OF REFUGEES— PROVISION OF ASSISTANCE IN EVENT OF PEACE ACCORD— GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, I have a final supplementary question. One is hoping for peace in Kosovo in the near future. However, regardless of the outcome, we will be faced with a humanitarian crisis in the Kosovo area. Is Canada currently preparing a plan for assisting in a financial, humanitarian and governmental way?

Hon. B. Alasdair Graham (Leader of the Government): Yes, honourable senators, as a matter of fact we are. In terms of humanitarian aid, I believe I indicated last week that the amount already committed by Canada was in the range of \$52 million. Earlier we envisaged accepting 5,000 refugees into this country. We are still prepared to take refugees into Canada on 72-hours' notice. We are ready to live up to that commitment.

Senator Andreychuk: Perhaps my question was not properly phrased, honourable senators. If an accord is reached on Kosovo, massive reconstruction will be necessary. We do not now know on what basis that will happen, of course, but are we, at least in a preliminary way, looking at the eventual needs and the options that may be open to Canada in providing assistance?

Senator Graham: Honourable senators, the answer is very much in the affirmative.

[Translation]

CANADA-UNITED STATES RELATIONS

LOSS OF FAVOURED EXEMPTION FROM INTERNATIONAL TRAFFIC IN ARMS REGULATIONS—POSSIBLE TRADE DISPUTE— EFFECT ON INDUSTRY

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, Senator Kelleher asked a question about the restrictions imposed by the Americans on licenses to export defence products. The Leader of the Government told us that as soon as he left the chamber he would telephone the Minister of Foreign Affairs to find out what the situation was. Can he answer us today?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I went through the door and I indeed asked the question. I was assured that the matter would probably be pursued at this past weekend's meetings in Washington by not only our minister but other officials. Unfortunately, although I have the assurance that the matter would be raised, I do not have the results. I shall attempt to bring forward a more complete answer as soon as possible.

[Translation]

Senator Bolduc: Honourable senators, I am asking the question because this is very important. Last week, *The Globe and Mail* reported that "the satellite industry could be grounded." We also learned that Mr. Axworthy is trying to find new forums with the Americans to settle our problems. The government defined its foreign policy and adopted a different attitude toward the Americans.

Under Mr. Mulroney and Mr. Clark, our government was relatively effective in its relations with the Americans. We were successful with these leaders, we signed treaties and we tried to improve economic relations between the two countries, to the benefit of both sides.

I do not want to make a tirade. However, we seem to be kicking the Americans and bugging them constantly. When it is not Minister Axworthy, it is Ms Copps. The magazine issue is an important one for Canada, with 5,500 jobs and \$650 million. It is dangerous for the paper or lumber industry, which employs 87,000 workers and does \$13 billion in trade with the United States. In the case of the plastics industry, we are talking about 62,000 workers and \$5.8 billion in trade. For the steel industry, it is 34,000 workers and \$4.7 billion in trade. For the textile industry, it is 35,000 workers and \$1.4 billion in trade.

Americans will lose patience. People will get upset and threaten to go to Washington to try to improve things. Is the

minister satisfied with this type of international relations with the Americans? Our prosperity and our security are intertwined. How can we improve this situation? I find it utterly unacceptable.

[English]

• (1450)

Senator Graham: Honourable senators, my honourable friend is reading from a different page than I have been reading. Historically, there have always been excellent relationships between the two closest allies on the face of the earth. Canada and the United States. That continues to be the case. Prime Minister Chrétien and President Clinton have an excellent relationship.

Senator LeBreton: On the golf course.

Senator Graham: That is an absurd interjection, Senator LeBreton, and not worthy of you as an experienced parliamentarian. The kind of relationship we have with the United States is not only beneficial to the Americans, but extremely beneficial to Canadians. As a matter of fact, that kind of relationship has helped us to eliminate the \$42-billion deficit in this country. It has enabled us to bring forward a balanced budget. It has enabled us to create 1.6 million new jobs in this country since 1993.

LOSS OF FAVOURED EXEMPTION FROM INTERNATIONAL TRAFFIC IN ARMS REGULATIONS—POSSIBLE TRADE DISPUTE— TERMS OF MORATORIUM

Hon. Pierre Claude Nolin: Honourable senators, I am pleased to inform the Leader of the Government in the Senate that a few hours after our Question Period last Thursday, our Minister of Foreign Affairs met with Foreign Secretary Albright. They agreed to postpone for 120 days the revocation of Canada's exemption.

Given that the honourable leader was not aware of the 120-day postponement, could he please call the minister and ask him what are the terms and conditions of that postponement? What can we do with that 120 days to make sure we stop kicking the Americans in the heel?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, 120 days was agreed upon to enable our officials to come to some fair and equitable solution. I had the information last Thursday, and I regret that I did not put it on the record, but I was not asked about it on that particular occasion.

I am glad Senator Nolin has brought this matter to our attention today. He is absolutely right that a moratorium of 120 days was agreed to in order to determine whether a satisfactory solution could be found to the various grievances that may lie on either side of the border.

Senator Nolin: Honourable senators, this is a very serious matter. We have 120 days, or four months, to answer the concerns of the Americans and to present to them regulations to ensure that this will not happen again. Perhaps in the coming

days the minister will enlighten us as to how our government intends to bring this matter to a happy resolution with the Americans.

Senator Graham: Honourable senators, I would be pleased to do that.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on April 20, 1999, by the Honourable Senator Douglas Roche regarding the NATO Summit and statements by the government on nuclear policy; a response to a question raised in the Senate on April 13, 1999, by the Honourable Senator James Kelleher regarding the resolution of the interprovincial dispute in the construction industry and the absence of a dispute settlement mechanism agreement on internal trade; and a response to a question raised in the Senate on April 15, 1999, by the Honourable Senator A. Raynell Andreychuk regarding the NATO forces in the former Yugoslavia and the possible arming of the Kosovo Liberation Army.

NORTH ATLANTIC TREATY ORGANIZATION

FORTHCOMING SUMMIT—STATEMENTS OF GOVERNMENT ON NUCLEAR POLICY—REQUEST FOR TABLING

(Response to question raised by Hon. Douglas Roche on April 20, 1999)

At the Washington Summit, members will have an opportunity to discuss issues of common concern, including, if they wish, issues relating to NATO's nuclear policies. At these meetings, formal statements are not issued, rather, discussions occur in a less structured way. Therefore, there do not exist "statements" that Canada will submit to the meetings.

INDUSTRY

RESOLUTION OF INTERPROVINCIAL DISPUTE INVOLVING CONSTRUCTION INDUSTRY—ABSENCE OF DISPUTE SETTLEMENT MECHANISM IN AGREEMENT ON INTERNAL TRADE—GOVERNMENT POSITION

(Response to question raised by Hon. James F. Kelleher on April 13, 1999)

All governments of Canada, federal, provincial, and territorial, are signatories to the Agreement on Internal Trade (AIT). The AIT has provisions to reduce and eliminate, to the extent possible, barriers to the free movement of persons, goods, services, and investments within Canada.

If one province believes that another is acting contrary to its AIT obligations, then that province may invoke the

dispute settlement provisions of the AIT. The Agreement provides for the possibility of convening impartial panels to resolve disputes. The federal government is neither an enforcer nor interpreter of its provisions and would only be involved if the parties in dispute requested the assistance of the ministerial-level Committee on Internal Trade — a possible step in the dispute procedure.

In the case of the current Ontario-Quebec construction dispute, both provinces have preferred to address their differences bilaterally probably because a number of the issues in dispute, such as taxation and the enforcement of workplace safety-related measures, lie outside the scope of the AIT.

The federal government has always argued for a stronger and broader internal trade agreement. We should be promoting open markets within Canada rather than erecting new barriers.

FOREIGN AFFAIRS

NATO FORCES IN FORMER YUGOSLAVIA—POSSIBLE ARMING OF KOSOVO LIBERATION ARMY—GOVERNMENT POSITION

(Response to question raised by Hon. A. Raynell Andreychuk on April 15, 1999)

Canada and the international community have refused to arm the Kosovo Liberation Army (KLA), a move that would be contrary to the UN arms embargo. In fact, Canada fully supported the Rambouillet peace plan, which included as a key element the need to disarm the KLA. In signing the Rambouillet text, the Kosovars also committed themselves to this. We would still see disarming the KLA as part of an eventual peace plan.

ANSWER TO ORDER PAPER QUESTION TABLED

FRANCOPHONE SUMMIT—APPLICATION FOR FUNDING— GOVERNMENT POSITION

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 142—by Senator Gauthier.

BUSINESS OF THE SENATE

ENTITLEMENT OF NON-MEMBERS TO PARTICIPATE IN COMMITTEE MEETINGS—POINT OF ORDER—SPEAKER'S RULING RESERVED

Hon. Colin Kenny: Honourable senators, I rise today on a point of order with respect to the disregard by one of our standing committees of rule 91, which deals with the participation of non-members in committee meetings. I feel my complaint is properly raised under the guise of a point of order as, according to Beauchesne's 6th edition, citation 317(1):

Points of order are questions raised with a view of calling attention to any departure from the standing orders or the customary modes of proceeding in debate or in the conduct of legislative business...

Honourable senators, rule 91 of the *Rules of the Senate* states:

A Senator though not a member of a committee may attend and participate in its deliberations but shall not vote.

On February 25, 1999, I wrote to the Clerk, asking him to take appropriate steps to inform me of any meetings of subcommittees of the Standing Committee of Internal Economy, Budgets and Administration, and to ensure that I received all agendas and documents to be circulated at those meetings. As both a former chair of one of the Internal Economy Committee's subcommittees, and as a former chair of the main committee itself, I am interested in following the work of that committee, and might want to attend from time to time — as might other senators who are affected by its decisions.

Honourable senators, as long as I have been here, the practice of the Senate has always been to put out a public notice of all duly constituted meetings of the Senate committees and its subcommittees, even if these meetings are held *in camera*. The reason for sending these notices is to respect of spirit of rule 91, which says that any senator may attend any committee meeting.

May I say in passing that it is an admirable rule of the Senate, one that demonstrates the equality of all senators, be they senators who support the government, senators who support the opposition, or independent senators, of which there are a growing number. This is the way in which we have structured our committees: Every senator has the right not just to attend but to participate in the proceedings of any committee or subcommittee.

This rule does not exist in the other place. There, non-members of committees may attend the committee meetings but, according to Standing Order 119, the House itself or that particular committee may order otherwise.

No such procedure exists in this chamber. The Senate would need to suspend rule 91 to order that a senator who is not a member not attend the Senate committee meeting.

Because of rule 91, our customary mode of proceeding has been to send out notices of all duly-constituted committee meetings via the Committees Directorate committee notice system. I submit, honourable senators, that this traditional practice has not always been followed by some of the subcommittees of the Internal Economy Committee in recent months.

As an indication of this, I refer to a letter sent to all senators on March 25, 1999, by the chair of Internal Economy, concerning decisions of the Subcommittee on Senators Services and Facilities. This letter shows that, clearly, there had to have been a meeting of this subcommittee in order for them to adopt reports and submit them to Internal Economy. However, there had been no notices circulated of those meetings.

In passing, let me say that notice did appear on the cumulative list of Senate committee meetings — which we call the “white sheets” — on Wednesday, April 21, 1999, giving notice of the *in camera* meeting the next day of the Subcommittee on Finance and Budgets of Internal Economy. I thank the committee for issuing this notice. However, I believe that there is an obligation — and that is what I should like the Speaker to rule upon — of Internal Economy to publish such notices of all of the meetings of all of its subcommittees.

Some may say that this is a committee matter, and that it is up to each committee to decide how it wishes to proceed. I disagree with that point of view. Rule 91 clearly states that all of us have the right to attend any committee meeting. Each committee cannot be permitted to decide whether or not it wants to notify non-members of its meetings. By the same token, we cannot know whether a meeting is taking place unless a notice of that meeting is circulated.

• (1500)

It may be that the Internal Economy Committee has endeavoured to give some sort of dispensation to its subcommittees not to issue notices of its meetings. I cannot say that this is a fact since I cannot divulge the substance of *in camera* meetings. If that were true, however, I would like to know what authority the Internal Economy Committee had to make such a decision.

Honourable senators, I would appreciate a Speaker's ruling on this matter. It appears to be a continuous breach of order by the Internal Economy Committee. I believe it is in the interests of all senators that this matter be resolved as early as possible.

May I also say, in passing, that once a Senate committee is meeting, no senator can be asked to leave that meeting without the senator's consent. It is important that we remember that we all have a right to attend any meeting.

The Hon. the Speaker: Does any other honourable senator wish to participate on the Point of Order?

Hon. Bill Rompkey: Honourable senators, I would be interested in the Speaker's ruling on this question. The committee feels that it has acted with propriety, and will continue to do so.

We have recently re-established subcommittees. There were some subcommittees years ago but they had not been in effect for some years. We decided that it would be better for the effective running of the committee to re-establish those subcommittees. We in the main committee imposed no constraints. The subcommittees are allowed to meet whenever it is convenient. We gave them those instructions on the assumption that this would facilitate, rather than hamper, their work, and therefore the work of the committee.

Honourable senators, there are many meetings going on around here. We must build in some flexibility for subcommittees to fit their time into the agenda. That can be difficult to do now that we have more meetings.

I feel that what we have been doing is in accordance with the rules. I will be interested in your response. Of course, over the past year or so, the notices for all meetings of the Internal Economy Committee have gone to senators. Senator Kenny will know that, because he has attended meetings of the committee although he is not a committee member. He has been taking part in our deliberations. Any meeting of any committee is open to any senator. Meetings of the Internal Economy Committee are open to any senator.

No decisions are taken in subcommittees. It is important to say that subcommittees are not decision-making bodies. Subcommittees are a forum in which to formulate policy, to look into policy and to make recommendations to the main committee. If a senator wishes to participate, there is adequate opportunity to do that at the committee level. Any recommendation made by a subcommittee does not foreclose the opportunity for any senator to make a point or to participate in deliberations, or to influence the committee to his way of thinking.

These subcommittees are set up to facilitate our work. We feel we are operating within the rules, according to the best advice that we have had. We have not done this lightly or without regard to advice. I will be interested in hearing the response of the Speaker.

The Hon. the Speaker: Does any other honourable senator wish to participate in the discussion on the Point of Order?

If not, I thank Senator Kenny for raising the matter, and I thank Senator Rompkey for his comments. There is certainly an interesting point here. Rule 91 is clear that any senator can participate. On the other hand, the practice has been that committees are responsible for their own procedure and are masters of their own procedures within committee. There is here an imbalance, I suppose, between rule 91 and that past procedure. The matter deserves proper consideration so that all senators will know exactly where they stand. I will take the matter under advisement.

ORDERS OF THE DAY

EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Pearson, for the third reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence,

And on the motions in amendment of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., that the Bill be not now read a third time but that it be amended:

1. in clause 44:

(a) by replacing lines 28 and 29 on page 17 with the following:

“circumstances;

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner; or

(c) the request for extradition is made for”; and

(b) by replacing lines 1 to 6 on page 18 with the following:

“(2) Notwithstanding paragraph (1)(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances.”.

2. in Clause 2 and new Part 3:

(a) by substituting the term “general extradition agreement” for “extradition agreement” wherever it appears;

(b) by substituting the term “specific extradition agreement” for “specific agreement” wherever it appears;

(c) in clause 2, on page 2

(i) by adding after line 5 the following:

““extradition” means the delivering up of a person to a state under either a general extradition agreement or a specific extradition agreement.”;

(ii) by deleting lines 6 to 10;

(iii) by replacing line 11 with the following:

““extradition partner” means a State”;

(iv) by adding after line 15 the following:

““general extradition agreement” means an agreement that is in force, to which Canada is a party and that contains a provision respecting the extradition of persons, other than a specific extradition agreement.

"general surrender agreement" means an agreement in force to which Canada is a party and that contains a provision respecting surrender to an international tribunal, other than a specific extradition agreement.";

(v) by replacing lines 20 and 21 with the following:

" "specific extradition agreement" means an agreement referred to in section 10 that is in force.

"specific surrender agreement" means an agreement referred to in section 10, as modified by section 77, that is in force.";

(vi) by replacing lines 29 to 31 with the following:

"jurisdiction of a State other than Canada; or

(d) a territory.

"surrender partner" means an international tribunal whose name appears in the schedule.

"surrender to an international tribunal" means the delivering up of a person to an international tribunal whose name appears in the schedule."

(d) on page 32, by adding after line 6 the following:

"PART 3 SURRENDER TO AN INTERNATIONAL TRIBUNAL

77. Sections 4 to 43, 49 to 58 and 60 to 76 apply to this Part, with the exception of paragraph 12(a), subsection 15(2), paragraph 15(3)(c), subsections 29(5), 40(3), 40(4) and paragraph 54(b),

(a) as if the word "extradition" read "surrender to an international tribunal";

(b) as if the term "general extradition agreement" read "general surrender agreement";

(c) as if the term "extradition partner" read "surrender partner";

(d) as if the term "specific extradition agreement" read "specific surrender agreement";

(e) as if the term "State or entity" read "international tribunal";

(f) with the modifications provided for in sections 78 to 82; and

(g) with such other modifications as the circumstances require.

78. For the purposes of this Part, section 9 is deemed to read:

"9. (1) The names of international tribunals that appear in the schedule are designated as surrender partners.

(2) The Minister of Foreign Affairs, with the agreement of the Minister, may, by order, add to or delete from the schedule the names of international tribunals."

79. For the purposes of this Part, subsection 15(1) is deemed to read:

"15. (1) The Minister may, after receiving a request for a surrender to an international tribunal, issue an authority to proceed that authorizes the Attorney General to seek, on behalf of the surrender partner, an order of a court for the committal of the person under section 29."

80. For the purposes of this Part, subsections 29(1) and (2) are deemed to read:

"29. (1) A judge shall order the committal of the person into custody to await surrender if

(a) in the case of a person sought for prosecution, the judge is satisfied that the person is the person sought by the surrender partner; and

(b) in the case of a person sought for the imposition or enforcement of a sentence, the judge is satisfied that the person is the person who was convicted.

(2) The order of committal must contain

(a) the name of the person;

(b) the place at which the person is to be held in custody; and

(c) the name of the surrender partner."

81. For the purposes of this Part, the portion of paragraph 53(a) preceding subparagraph (i) is deemed to read:

"(a) allow the appeal, if it is of the opinion"

82. For the purposes of this Part, paragraph 58(b) is deemed to read:

"(b) describe the offence in respect of which the surrender is requested;" and

(e) by renumbering Part 3 as Part V and sections 77 to 130 as sections 83 to 136; and

(f) by renumbering all cross-references accordingly."

Hon. Anne C. Cools: Honourable senators, during third reading debate on April 14, Senator Grafstein quoted Minister of Justice Anne McLellan's remarks at a Senate committee about Justice Louise Arbour's support of Bill C-40. Upon reading that debate, I noted that some senators were unclear about the nature of debate in Parliament about judges, both critical and non-critical debate.

Having studied this matter thoroughly, I wish to add one authority's words about criticism of judges to that debate. That authority is Lord Hartley Shawcross. I shall quote him quoting Lord James Atkin. Both upheld the British traditions of criticism and self-criticism.

In Lord Shawcross's 1959 report entitled *Contempt of Court*, he wrote, at page 14:

On the other hand, we feel strongly that fair criticism of judges should not be discouraged. Lord Atkin, giving the judgment of the Privy Council in *Ambard v. Attorney-General for Trinidad & Tobago*, said:

But whether the authority and position of an individual judge, or the due administration of justice, is concerned, no wrong is committed by any member of the public who exercises the ordinary right of criticising, in good faith, in private or public, the public act done in the seat of justice. The path of criticism is a public way...

Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men.

Interestingly, Lord Shawcross, one of the great minds of the century, also addressed the need for judges' own vigilance against judges' own encroachments and excesses. He wrote, at page 7:

It was said in *Scott v. Scott* by Fletcher Moulton L.J....

The courts are the guardians of the liberties of the public and should be the bulwark against all encroachments on those liberties from whatsoever side they may come. It is their duty therefore to be vigilant. But they must be doubly vigilant against encroachment by the courts themselves. In that case it is their own actions which they must bring into judgment and it is against themselves that they must protect the public.

Honourable senators, this debate reveals that Bill C-40 deserves more study, particularly since it proposes a totally novel proposition previously unknown to Canadian law. This novelty is the proposed extradition to non-states, to entities, to international tribunals, to Justice Arbour's tribunal, of persons — possibly Canadians — who are alleged to have committed war crimes.

This is interesting because, to date, Canada's record of prosecution of war criminals was inglorious. About Justice

Arbour's tribunal — the United Nations International Tribunal on Rwanda and the Former Yugoslavia, this entity, this novel extradition partner — the question lingers as to why those two countries, Rwanda and Yugoslavia, were selected. Why not Somalia? Why not South Africa? Who knows? And why those time-frames?

• (15:10)

I note that on March 18, 1999, Minister McLellan told the Standing Senate Committee on Legal and Constitutional Affairs:

If my colleague the Minister of Foreign Affairs were here, he would tell you how important this is to him. In fact, he pressured us in the Department of Justice to get our drafting and consultations done and get this before Parliament.

Minister McLellan informs that Bill C-40 was driven by the Minister of Foreign Affairs, Lloyd Axworthy. Yet, I note that, curiously, Minister Axworthy did not appear before the committee. I would have thought that his testimony was essential to consideration of this bill. The progress of this bill without his contribution, unfortunately, diminishes its credibility, particularly as it seems to be his brainchild.

Honourable senators, the Minister of Justice, not the Minister of Foreign Affairs, told us that Bill C-40 is necessary for Canada to honour its international obligations. What obligations are these, obligations about which senators are uninformed, totally unconsulted, and obligations which are unelaborated?

The opinion of Parliament and the Senate is never sought when the Canadian government and the Minister of Foreign Affairs makes these commitments. The Minister of Justice told us that this new global, this new international, world order desires this bill, even though the Parliament of Canada has had no role in the development of Canada's foreign policy in this new world order. The Senate has never debated the creation, constitution, and operation of these two international tribunals, or Canada's role. This is most unsatisfactory. These international agreements, their binding nature, their impact on domestic law, their impact on Canadian sovereignty, and on the sovereignty of the Parliament of Canada, are begging the attention and opinion of Parliament and the Senate.

Honourable senators, the activities of the Department of Foreign Affairs are largely conducted not under statute like most ministries but under the Royal Prerogative of Her Majesty in external affairs. Most senators would agree that this notion of unlimited ministerial power, derived from the Royal Prerogative, unconsulted and undebated by Parliament, is untenable in today's new international order.

The Minister of Foreign Affairs' current powers are a relic from a previous era, when those powers over external affairs were held and exercised by the Colonial Secretary in Imperial Britain. The role of foreign affairs minister is in need of modernization and Senate examination, particularly as, according to Minister McLellan, the United Nations Security Council

seems to mandate, to command the Parliament of Canada. To the extent that this new international world order appears to be international government by non-elected, non-responsible individuals, mostly civil servants, it is critical that the Senate hear from Minister Axworthy.

Senator Grafstein quoted Minister McLellan at the Senate committee hearing of March 18. Minister McLellan said:

Bill C-40 has attracted strong support from the current Chief Prosecutor, Louise Arbour. Despite what may have been suggested, it is clear that Canada's obligation, as mandated by the Security Council, is to take the necessary measures under domestic law to implement the provisions of the UN resolution and the statute of Rome, including the obligation of states to comply with requests for assistance or orders issued by the tribunals. Thus, if the court submits a request for the arrest and surrender of a person in Canada, for prosecution, Canada must be in a position to arrest that person and surrender him or her to the tribunal.

Honourable senators, I noted that Senator Grafstein provided senators with copies of his correspondence with Justice Arbour. To the ensuing debate here, I would add that Justice Arbour has been actively and publicly engaging in propaganda and rallying public support for her political position on many international matters, including Bill C-40, the new International Criminal Court and even the United States' position on this court. I shall give some examples.

On May 6, 1998, Shaughn Butts wrote of Justice Arbour's support for Bill C-40 in *The Edmonton Journal* article entitled, "Tougher rules in the works: Changes to extradition laws aimed at war criminals," saying:

Justice Louise Arbour, an Ontario Court of Appeal judge who is currently chief prosecutor at the International War Crimes tribunal in The Hague, has accused Canada of lagging behind in its international obligation to help bring suspected war criminals to justice.

She said Tuesday she's pleased Canada will be able to transfer alleged suspects.

"There was a terrible void in Canadian legislation," Arbour said in an interview from the Australian capital of Canberra.

"I think having a structure in place will avoid what otherwise would have been a terribly embarrassing situation for a country like Canada."

The pressure hasn't only come from The Hague.

A month later, she expressed support for the proposed International Criminal Court in a piece authored by herself in a June 26, 1998 commentary in *The Globe and Mail*, entitled:

Friends and foes of a world criminal court: ON TRIAL/ Two Americans take opposite views on whether the U.S. should support the establishment of an international court to judge perpetrators of genocide. The Canadian prosecutor for a United Nations war-crime tribunal fully supports such a court — with provisos.

These headlines are informative, strategic, and instructive. Justice Arbour's piece, in her own hand, under that commentary's headline was itself entitled, "Needed: strength and independence." This article laid out her political opinions on the proposed Permanent International Criminal Court in her own vision, including her concept of universality.

Justice Arbour is quite public about her political support. She is very strategic about where, and for whom, she places it. In this instance, she places it against the United States of America's position in its non-support for, its opposition to, the proposed court. In the former article, she agitated for Bill C-40; in the latter, she agitated for the International Criminal Court in her own vision.

As we know, Justice Arbour became a major political, strategic, and public influence in the political events as they led up to the meeting in Rome and the formation of the International Criminal Court. Her political rallying is increasing, not diminishing, honourable senators. Now she wants an army at her disposal — this is a judge! In a February 28, 1999 *Calgary Herald* article, "Troops need to assist tribunal, says Arbour," David Paddon reported:

Arbour sees her tribunal as a precursor to a permanent International Criminal Court championed by Canada. But she said there are still many hurdles to overcome, including the unwillingness of the United States to back the court.

Justice Arbour herself is quoted as saying:

In Kosovo, even if we could complete investigation without getting access, we'll never get anybody arrested there unless and until there are international troops on the ground...

Again, in a March 6, 1999 *National Post* article by Steven Edwards entitled, "Peacekeepers should hunt war criminals Arbour," Justice Arbour is quoted as proposing an unprecedented use of peacekeepers. She declared:

...the need for international criminal justice to form a appropriate partnership with peacekeeping operations.

Steven Edwards added:

She called for 'explicit and robust' language in any peace agreement between ethnic Albanians and Serbs that would authorize NATO peacekeepers to pursue tribunal indictees.

Then, on April 21, 1999, in *The Ottawa Citizen's* article entitled, "Prosecutor collects evidence of atrocities from Kosovo: Arbour vows to build cases quickly to ensure convictions," Aileen McCabe reported:

Ms. Arbour said she needed 'unprecedented support' if she hoped to do her job 'in a time frame that will make it relevant to the resolution of...conflicts of the magnitude of what is currently unfolding in Kosovo.'

British Foreign Secretary Robin Cook told reporters that his government had authorized the handover of British intelligence material to the International War Crimes Tribunal.

Noting it was a 'rare step' to release such material, he said British officials were collating intelligence information on 50 separate incidents in Kosovo that would be provided to Ms. Arbour when it was ready.

Justice Arbour plans prosecutorial time-frames determined not by curial needs but by political outcomes, in this instance a resolution of the conflict in Kosovo. These statements of and about Justice Arbour are self-explanatory. The righteousness or unrighteousness is not the issue. The fact is that such activities are not contemplated by Canadian law. The Judges Act of Canada does not intend nor contemplate a Canadian judge's involvement in, or in support of, a clash of arms. The sword is not for the judges," as we remember Alexander Hamilton wrote in *The Federalist* in 1788.

• (1520)

Honourable senators, Louise Arbour's activities as world strategist, world director, world legislator, world diplomat, world judge and jury, world general, world commander of armed troops, world peacekeeper, world politician, world propagandist, and world publicist are not consonant with the Canadian concept of judicial office. They are not consistent with our Judges Act, even as it was amended by Bill C-42 in November, 1996, to meet her personal situation and her personal career opportunities. In fact, her international activities are not consonant with the Canadian concept of public office of any kind, neither political, judicial, diplomatic or —

The Hon. the Speaker: Honourable Senator Cools, I wish to remind you that attacks on judges are not permitted in this house. Indeed, attacks on people who are not in a position to defend themselves are not permitted in the Senate. I have been listening to you carefully, and it seems to me that you are almost bordering on accusations, which I do not think are proper in this house.

Senator Cools: Honourable senators, as I said before, everything that I am saying is consistent with the rules of this chamber and the rules of Parliament. In addition, we are speaking about a particular bill in which this particular judge has declared quite an interest.

As I was saying, honourable senators will recall that, during debate of Bill C-42, I stated that no member of Parliament should

be pressured into a vote by any judge, directly or indirectly, or by the personal career aspirations of any judge. I had said that if any judge is so animated by such concerns, drives or ambitions towards a political role, either in domestic or international affairs, then that judge should surrender judicial office and seek political office. Having said that, I then voted, albeit reluctantly, to grant Madam Justice Arbour special permission by retroactive legislation to legitimate three Orders in Council and her assumption of that United Nations position months previous to Parliament's voting the statute authorizing her to do so.

Honourable senators, we were assured that she would confine her role to a prosecutorial quasi-judicial function. She has not done so. Justice Arbour should resign from the bench.

The Hon. the Speaker: Senator Cools, I am sorry, I cannot accept the statements that you are making. It is very clear within the *Rules of the Senate* that, if senators feel that an honourable judge has not been following proper practice, there is a procedure whereby we can deal with that, but I do not believe that the kinds of statements you are making are acceptable in this chamber. I regret that. I would ask you to cease that type of statement, and indeed to withdraw the last one that you made that the judge should resign. I do not think that that is a proper course in this chamber.

Senator Cools: Honourable senators, perhaps I could clarify, then, on what rule it is that this particular intervention is being made. What rule of the Senate can be cited that I am violating?

The Hon. the Speaker: There is a very long-standing rule that we cannot make personal attacks on judges in this chamber. If there is a determination that a judge has acted improperly, there is a motion that can be made, and that is the proper way to proceed, but not by accusations in this chamber. I cannot accept those. If you persist, I will be unable to have you recorded in this chamber.

Senator Cools: Honourable senators, Canada is now in a unique situation in the former Yugoslavia, in that Canada now, by its NATO attacks, is an aggressor combatant, a peacekeeper, a prosecutor and a chief witness, all simultaneously, in the same clash of arms, the same theatre of war.

As chief prosecutor, carrying the title and trappings of the office of judge, Justice Arbour is publicly perceived as the chief judge of the tribunal, not as a prosecutor. This is not an attack, Your Honour. I am relating what I am reading in the newspapers daily.

The Hon. the Speaker: Are you citing from a specific newspaper? In that case, I would ask you to quote.

Senator Cools: I have been reading this matter for quite some time. This is not a particular quotation, but I am told —

The Hon. the Speaker: I am sorry, Honourable Senator Cools, if it is not a specific quotation, I cannot accept it as a statement in this chamber.

Senator Cools: No one here can name a single judge on that tribunal.

Honourable senators, human beings have been killing each other in fratricide for millenniums, and even in this decade. This tribunal is about selective political decisions, selective prosecutions of people for selective political purposes.

Honourable senators, I oppose the political use of curial judicial tribunals and the political uses of judges and courts. This court is of questionable origins and of uncertain jurisdiction. It was created by the Security Council of the United Nations, not the General Assembly. By Justice Arbour's close liaisons with the NATO leaders, the tribunal has now taken on the sound and the appearance of a NATO tribunal, a NATO curial instrument, assisting and supporting a military operation. It is unprecedented. I submit that this court itself will be the first victim. We should be expecting momentarily some action from this court directed towards Canadian and American soldiers, as they certainly shall also be accused of war crimes, perhaps by Russia.

Honourable senators, Senator Grafstein's amendments do not improve this bill. Presuming a purity of the UN tribunal, they do not speak to the central issue, which is the extradition to a non-state extradition partner, to an entity, to these tribunals. Many countries, member states of the United Nations, wish the Anglo-Saxon legal tradition, the common law tradition of Canada, to be weakened. Bill C-40 does that, as, for example, clauses 31 to 37, which alter the rules of evidence, admitting hearsay as evidence and permitting the use of non-sworn documents.

This extradition to non-state entities is so novel that it deserves better examination. The definition of "entities" is wanting. These entities are listed in the schedule of the bill. The Foreign Minister must tell us how this entity, a newly-minted extradition partner, will meet the standards that we in Canada can call due process. For example, does this entity tribunal guarantee an accused, once charged with an offence, a right to trial by judge and jury? Does this entity tribunal guarantee the right of an accused to know his or her accuser? Does this entity tribunal guarantee accused persons the right to cross-examine their accusers or other witnesses? Honourable senators, these are basic rights in criminal proceedings.

What are sealed indictments? Does this entity tribunal guarantee an accused the right to legal counsel of choice, culturally, racially and linguistically? Does this entity tribunal protect the security of the witnesses called by the defence? The Foreign Minister should come here before us and tell us about the workings of this tribunal and due process.

We should also invite witnesses such as Mr. Ramsey Clark, former attorney general of the United States of America, whose personal record in obtaining prosecutions of white murderers of black persons in the southern United States was legend. He is currently an international criminal lawyer who works on extraditions to this tribunal. We should hear from him. In addition, there are many Canadian lawyers, including Tiphaine Dickson, Charles Roach, Michel Marchand, John Philpot and

others, who are defence counsel before this tribunal. We should hear from some of them.

Honourable senators, because of the controversies surrounding the war and around these many difficult issues, because of the consistent publicity around some of these issues, I sincerely believe that this bill should not go forward without our hearing from the Minister of Foreign Affairs. The Minister of Justice has told us clearly that it appeared to be his brainchild. I would ask senators to consider deeply, sombrely and seriously, asking Mr. Axworthy to explain some of these deep and troubling rules. It is simply not good enough for us to exist in a state of vanity. Honourable senators should know the issues.

• (1530)

The Hon. the Speaker: Honourable senators, before I hear further senators on this matter, I should like to refer you to Beauchesne, page 150, citation 493(1). It reads:

All references to justices and courts of justice of the nature of personal attack and censure have always been considered unparliamentary, and the Speaker has always treated them as breaches of order.

The citation continues:

(3) The Speaker has traditionally protected from attack a group of individuals commonly referred to as "those of high official station."...

(4) The Speaker has cautioned Members to exercise great care in making statements about persons who are outside the House and unable to reply.

Hon. Pierre Claude Nolin: Honourable senators, I am sure the honourable senator will take a question.

The senator referred to clauses 31 through to 37 of the said bill. She said that if we were to pass the bill as is, we would authorize and sanction hearsay, which is not authorized in Canada. Can the senator be more specific, please?

Senator Cools: Yes. This was dealt with in committee proceedings. I was trying to say that many terrible things go on in the world that are beyond the reach of due process. When one moves to due process, one must follow rules very carefully. There must be proper notice, proper debate, proper exchange proper opportunities to cross-examine, et cetera.

I have followed some of these proceedings, and I have spoken to people who have concerns about this tribunal. One of the concerns seems to be that legal standards, the common law tradition, and standards in Canada are simply too high. It is said that in order to accommodate other nations of the world, we should begin to lower them.

For example, clause 34 states:

A document is admissible whether or not it is solemnly affirmed or under oath.

The mere fact that this entire section of the bill is entitled "Rules of Evidence" means that there is an alteration happening to allow Canada to satisfy other countries. That is what I was driving at. I understand that many other countries do not have the affluence to afford the standards that we have. My point is that if we must alter those standards, we should first have much more study.

Senator Nolin: The senator must be very specific. She says that we would allow hearsay. Of course, I would not support that.

If you read clause 32(1), you will see that this bill respects the rules of evidence in Canada. There are three exceptions, and in those three exceptions there is no reference to hearsay.

Senator Cools: I was not suggesting that the word "hearsay" was used. I am saying that that is the result. My point is that if there is doubt on these questions, we should hear from further witnesses on them.

Hon. Jerahmiel S. Grafstein: Honourable senators, I have a question on procedure. The Leader of the Opposition in the Senate chided me several days ago when I rose to make some comments and then ask my questions. I was later referred to the rule which specifies that one can make a comment as well as ask a question.

I should like to address a question to the Honourable Senator Cools.

The Hon. the Speaker: Honourable senators, the time period for questions has elapsed. Is leave granted to continue?

Hon. Senators: Yes.

The Hon. the Speaker: Please proceed, Senator Grafstein.

Senator Grafstein: I am having a little difficulty following the thread of Senator Cools' argument. It strikes me that much of her argument is directed toward the new tribunal that has been established but has not yet been ratified, and is not part of this particular bill. Senator Cools made reference to Rome and a recent statement of the minister. The government was directly involved in the establishment of the new tribunal, which has wider application than just to Yugoslavia and Rwanda.

I am confused. Do the senator's comments relate to future as well existing tribunals?

Senator Cools: I would be quite happy to clarify that for the Honourable Senator Grafstein. This is not something from my imagination. The bill itself says that. In Part I of Bill C-40, on page 2, under the definition of "State or entity," it says very clearly "an international criminal court or tribunal." That is already in the bill.

There are some other interesting things in that section. The definition includes, under (c), "a colony, dependency, possession, protectorate, condominium." Paragraph (d) says "an international criminal court or tribunal."

At the end of the bill, in an obscure section entitled "Schedule," it says:

The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and other Serious Violations...

and it goes on to name both Rwanda and Yugoslavia. It even cites the resolutions of the Security Council which called them into existence.

However, the definition in the bill goes further than the Rwanda and Yugoslavia tribunals. I believe that, in the testimony, they refer to the newly formed international criminal court as well.

Senator Grafstein is shaking his head, but I am only citing what is on paper.

Senator Grafstein: I do not mean to debate the issue, but I believe that it is clearly stated that the schedule applies to the two existing tribunals, not future ones.

I should like to address a more fundamental question. The honourable senator has raised the fundamental question of the international and domestic legitimacy of the existing tribunals, which are for Rwanda and Yugoslavia. In effect, the honourable senator is suggesting that there should be no international tribunals at all dealing with matters affecting crimes against humanity, such as genocide.

If in fact that is the honourable senator's position, is it also her position that these matters should be left completely to domestic jurisdictions such as Canada to deal with?

Senator Cools: Honourable senators, I am saying no such thing. I am saying, first, that I do not like ad hoc tribunals. I am opposed to the concept of ad hoc tribunals.

If we are to be able successfully to tackle these enormous questions, then it should be done on a non-selective basis, and the rules should apply to every single person and to every single country.

I have done a great deal of reading on the establishment of the tribunal for Yugoslavia and for Rwanda. This tribunal was established by a vote of the Security Council, not the General Assembly of the United Nations. It is anyone's guess as to why those two particular countries were chosen and not others. That is what is wrong with those tribunals. It is a selective prosecution. Once people are into the process of selection, who knows who gets chosen?

Senator Grafstein, in a way, you are assisting my point. We have not heard enough on the functioning of this tribunal. We have not heard enough about the standards of due process under which this tribunal is working. We have heard nothing about the operations of this tribunal. Does an accused have the guarantee of a judge and jury? Does anyone here know? We are about to pass a bill to extradite people from here back to this tribunal. Perhaps Senator Beaudoin knows the answer to this. Does that accused person, on arrival wherever, have the right to a trial by judge and jury? Can that person cross-examine their accusers?

Senator Grafstein: Yes.

Senator Cools: Does that person have the right to choose their own counsel?

Senator Grafstein: Yes.

Senator Cools: Which authorities came before us on the bill and told us that? Were these questions put to those authorities?

Senator Grafstein: It is in the rules.

Honourable senators, I am trying to follow the honourable Senator Cools' logic. In effect, she is arguing that the Nuremberg trials were ad hoc, as she defined it, and therefore illegitimate.

Senator Cools: No, I did not argue that at all, but thank you for the opportunity. Today you are my best friend, Senator Grafstein.

Nuremberg is a great example. In the Nuremberg case, you are talking about a justice of victors over the vanquished. Nuremberg is a different kettle of fish. The Allied countries that were prosecuting took their evidence. This is the point that most people miss. They had the evidence, and they got their evidence from the files of the German government after they won the war. In this particular tribunal, there is no such thing.

Quite frankly, many people have questioned the Nuremberg tribunal, and much about it was questioned. As a matter of fact, Senator Grafstein, the gentleman that I just quoted, Lord Shawcross, was the Attorney General in England at the time, and he was in charge of the Nuremberg prosecutions for the United Kingdom.

The fact is that in these situations with Rwanda and Yugoslavia, there has been no peace or victory. You are dealing with ongoing conflicts. There is no victor; there is no vanquished. You are therefore reducing it to a selective process, and who decides?

I do believe there should be an international criminal court, but we are a long way from having that, especially if we continue to travel on this road. Do you not think, honourable senators, that it is about time we had some debate in this chamber about these issues? I read about it daily everywhere, and I hear the minister repeat it. I read the proceedings, because I was away. The minister reiterated, and I put it on the record again today: The Security Council of the UN is mandating us. We must meet our international obligations. Do you not think, honourable senators, at this time when we are told that these agreements are binding, that the Parliament of Canada should have some involvement in determining what the obligations of Canadians are to these international bodies and to the UN?

I was in Brussels last week, and I heard a great deal of debate on this matter. I also heard what the Russian delegates to the conference had to say. I assure you that they do not see life at this point quite as we do.

I know there is a sense of vanity that comes into this. Canada has been extremely successful and has done a lot of good work, no doubt, but I do not think we should be overtaken by vanity. It is time for us to bring some of these issues into our purview and to study them.

Out of curiosity, can anyone here give me the name of a single judge of that tribunal?

Senator Mahovlich: Right here! Clarence Campbell!

Senator Cools: I am impressed, Senator Mahovlich. Can you give us another one?

The point is that we are not well acquainted with this subject-matter. Hundreds of thousands of people are being affected by this.

We want justice to be done, but we must be crystal clear that when we are ensuring that justice is being done, we are not adding to or creating new problems. Of course what happened in World War II bothers everyone. What happened in Rwanda bothers everyone. It is beyond our comprehension. I say to you, we could just as easily have chosen any other country. I am quite in agreement with the Americans on this. We must watch that the reaches of these systems will not reach over here to try to take some of our soldiers and then turn around and charge them with war crimes. Let us understand that the arguments frequently shift, depending on which side you are on. In this instance, we are on the side of NATO, but I think the Russians would say something quite different.

The fact of the matter is that the day is over in this land when a minister can act like a former king and use the Royal Prerogative to avoid coming to Parliament. That is one of the reasons that I put such an emphasis on the minister's testimony. I think what the minister has to tell us is critical and vital, and we should call him.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): have a question.

In your remarks, you made reference to the testimony which you believe the Minister of Foreign Affairs could give to the committee. If you feel strongly that the Minister of Foreign Affairs has valuable testimony to be proffered to assist honourable senators in their deliberation on this bill, have you given consideration to moving a motion to refer the matter back to the committee so that the Minister of Foreign Affairs could be heard?

Senator Cools: I have not given much thought to any further action. Remember, I was away. When I came back, my attention was called to this matter. I read the debate. Immediately on reading the debate, I went to the committee proceedings. I found it curious that the Minister of Foreign Affairs did not come before the committee, even though the Minister of Justice told us in her testimony that it was of great importance to him, and that he was the one who had pressured her to act.

I think that is a decision to be made collectively by all of us. I am still trying to figure out what I will do with this. I have a secret place in my heart that says that, on any bill, the responsible minister should come before us to defend his bill and to tell us how and why he arrived at it. Some of these questions could be answered quite easily. It is quite a simple matter, and I will think about it.

• (1550)

Senator Kinsella: Senator Cools, when we arrive at the stage of examining a bill and new questions or issues are brought to the fore, we have had several new issues raised in our debate at third reading on this bill. It would be a shame if we were not to seize ourselves of some of those new issues. We must give careful consideration to the process that we would follow, whether or not these issues that have been raised by Senator Joyal, Senator Grafstein and Senator Cools are issues that we just ignore, and go forward with blinders on. On the other hand, are we to take these issues seriously? Are we to give them the kind of reflection and concern that I am sure the honourable senators mentioned themselves feel about them?

The intervention of His Honour earlier in the debate was helpful. I agree with him. That guidance which we are given by Beauchesne is very important. However, in the debate earlier, Senator Cools, the matter of the consultation that took place between Senator Grafstein and Madam Justice Arbour was raised. You have alluded to Madam Justice Arbour. We heard, and we see in the testimony from the committee, that the Minister of Justice and the Attorney General had been consulting with Madam Justice Arbour.

My question to you is: When you focus on what the parliamentarians are doing in approaching members of the bench, as opposed to the way you are coming at it, do you have any advice for us?

Senator Cools: I wish to thank the honourable senator for that question. I shall be thinking about whether or not I will move a motion to refer the bill back to committee. Obviously, I could not do it until the debate moved on a bit; however, I will be considering that.

There is so much nonsense and stupidity repeated in today's community that quite often it no longer seems to be the stupidity that it is. Often, one must do a great deal of work to sort out the dos and do nots, the shoulds and the should nots, and so on. Quite often, what we are talking about is non-substantial. However, what we are dealing with here is a bunch of issues, first, that enough of us simply do not know enough about. That is not because we are bad or insufficient, but because we are all burdened in so many different ways, and we are all so very busy on many different fronts because the workload here is enormous and there are many different issues before us.

Every day when you open up the newspaper, Senator Kinsella, there is another article citing Madam Justice Arbour. We cannot deny that. That is in the public realm. Second, I have read these rules, and I would be prepared to move a motion to look at this point. However, in my mind I did not personally attack Madam Justice Arbour. If we remember, during debate on Bill C-42, that

was one of the questions that was raised by a member on your side, a member who raised the issue of this persona travelling with the rubrics and the trappings of office because one does not shed them. I argued, if you will recall, in that vein.

I am attempting to say that these problems are so enormous that we are in danger of being engulfed by them. It is time for us to wake up and smell the roses, because Canada is no longer in its innocence, as it used to be across the world.

Honourable senators, when I went to an international conference a few days ago, I was amazed at the low place to which our country has fallen. I did not know that because my mind is still back in the years when Canada led on this and that, and England led, and so on. We have an opportunity, as senators, to study the issues. In addition to having an opportunity, we have a duty.

I have read all of this. I know the sections. I am well acquainted with the Judges Act. I have read every single Judges Act for the past 100 years going back to 1867. I have read every single intervention on this floor, and on the floor of the other place, about judges. I know that I am within my rights.

Healthy criticism is desirable because our discussion square should not be silent; real pluralism means to bring forward your views and let the debate go on. Let us talk and let us have an exchange. Quite often people tell us to be restrained. They do not mean restrained, they mean silent.

We have an opportunity here. I will give the honourable senator's proposition some serious thought. I do think that the Minister of Foreign Affairs has a duty to come before the Senate and tell us about this bill and the impact it will have on the country and on the international scene.

On motion of Senator Pearson, debate adjourned.

[Translation]

COSTAL FISHERIES PROTECTION ACT CANADA SHIPPING ACT

BILL TO AMEND—SECOND READING

Hon. Fernand Robichaud moved that Bill C-27, to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks and other international fisheries treaties or arrangements, be read a second time.

He said: Honourable senators, once Bill C-27 is passed Canada will be able to ratify the UN fisheries agreement on the conservation and management of straddling fish stocks such as cod and turbot in the Northwestern Atlantic and highly migratory fish. The UN Fisheries Agreement was reached in 1995 and Canada was one of the first countries to sign it, on December 4, 1995.

This agreement is aimed at solving the problem of overfishing on the high seas, which jeopardizes many unregulated species. Overfishing beyond the exclusive economic zone is a concern for a large number of countries including Peru, Chile, and Argentina, and at home, in Canada, on the Grand Banks of Newfoundland, of course.

[English]

The problem of over-fishing in international waters has been on the Canadian government's agenda for more than 20 years. UNFA must receive 30 instruments of ratification before it comes into force. Thus far, 21 ratifications have been received. This agreement will allow mechanisms to be put in place to establish and strengthen conservation and management measures.

Bill C-27 amends two acts: First, the Coastal Fisheries Protection Act, an act to regulate fishing by non-Canadians in Canadian waters, to manage and protect non-migrant species on the continental shelf beyond Canadian fishing waters boundaries; and, second, the Canada Shipping Act, an act regulating the activities of Canadian vessels in all waters and foreign vessels in Canadian waters.

UNFA provides guiding principles for the conservation and management of straddling and highly migratory fish stocks, including the use of the precautionary approach, the compatibility of measures applied inside and outside coastal states' waters to minimize pollution, waste, discards and by-catch. We cannot put too much emphasis on the implementation of strict and precise regulations to enforce such principles when fishing vessels do not respect the agreement and, therefore, compromise our Canadian resources.

• (1600)

The agreement requires flag states to ensure that their vessels comply with measures set out by regional fisheries organizations, whether they are members to such organizations or not, and to ensure that they do not engage in activities that undermine the effectiveness of these measures.

UNFA offers a strong compliance and enforcement regime, a regime which allows states other than the flag state to take action, such as boarding and inspecting a vessel flying the flag of another state that is party to UNFA, without prior authorization of the flag state, to ensure that the vessels are complying with conservation and enforcement measures developed by regional fisheries organizations.

For Canada, this means that a vessel flying the flag of a state party to UNFA may be boarded by Canadian enforcement officers, without prior consent of the flag state, to verify that the vessel is complying with the fishing measures adopted by a regional fisheries organization to which Canada is party, such as the Northwest Atlantic Fisheries Organization, or NAFO. UNFA then provides that if a serious violation to the fishing measures is found, the information officers must notify the flag state. The flag state has three days to respond to this notice. After a flag state has been notified, three scenarios are possible under the agreement.

First, the flag state may respond by consenting to Canada taking additional enforcement action against the vessel, including bringing the vessel to port and continuing its investigation. Second, if the flag state responds with appropriate measures to investigate and take enforcement action, then the enforcement officers would turn over the vessel to the flag state for further action. Third, if the flag state does not respond within the three-day period, or fails to investigate and take enforcement action, if the evidence so warrants the enforcement officers may remain on board the vessel and continue their investigation.

[Translation]

For Canada this means these provisions will permit Canadian enforcement action against vessels flying the flags of states taking part in the United Nations Fisheries Agreement whether or not they are also members of the Northwest Atlantic Fisheries Organization. The agreement also makes provision for compulsory and binding dispute settlements concerning the interpretation or application of the UNFA itself.

Under both the United Nations Convention on the Law of the Sea and the UN Fisheries Agreement state parties may choose, at the time of signature, ratification or accession or, thereafter, from among the International Court of Justice, the International Tribunal for the Law of the Sea and either general or special arbitration.

There will be strict and specific enforcement action in order to resolve to the extent possible the problems of overfishing on the high seas. In the past, despite our efforts to protect straddling and highly migratory fish stocks, the progress made by NAFO, and the adoption of the United Nations Convention on the Law of the Sea, there was still overfishing in the Northwest Atlantic outside the 200-mile limit.

This contributed to the decline of straddling fish stocks including cod and certain flatfish, including turbot. In 1989, Canada launched a massive campaign to end overfishing in the Northwest Atlantic. In 1990, we organized a conference, the main theme of which was fishing on the high seas.

This conference brought together specialists from the main coastal nations, whose primary goal was to develop more effective guidelines and regulations for anything having to do with fishing on the high seas. At the 1992 United Nations Conference on Environment and Development, Canada won international support for a conference dealing exclusively with the conservation and management of straddling and highly migratory fish stocks.

This Conference ended in August 1995 with the adoption of the UN Fisheries Agreement, and the signing began in December 1995.

It is very important to point out that States have a strict legal responsibility and must take the necessary measures to ensure that their vessels comply with conservation and management measures.

They must also control their vessels through licences, authorizations and fishing permits, in compliance with procedures adopted at the subregional, regional or world level.

In this bill, the provisions relating to regulations and enforcement measures are very clear. The participating states must ensure that the vessels flying their flags comply with the measures by having them inspected, by immediately conducting a thorough investigation when an offence has been committed, by demanding the necessary information, and by ensuring that any indicted vessel does not take part in high seas fishing operations until the sanctions have been executed.

Honourable senators, with this bill it is clear that our priority is to establish clear, accurate and effective rules to do our utmost to fight high seas overfishing, which is partly responsible for the significant drop in fish stocks that has affected fishers and communities along the Atlantic Coast.

We must not allow our Canadian resources to be threatened in this manner. This is why it is important that the States that ratify the UNFA undertake to fish responsibly in order to respect the basic premises of the Agreement, in particular to ensure the conservation and management of straddling and highly migratory fish stocks. The adoption of Bill C-27 is certainly one of the essential steps in preserving and restoring valuable fish stocks.

Adoption of this bill and ratification of the UNFA will allow vigorous and credible promotion of its principles and values here and throughout the world.

We cannot put right the errors of the past, but we can take action to do what is best for now and for the future. By working with our international partners, we can ensure sustainable management of stocks for the benefit of future generations.

Honourable senators, I therefore urge you to pass this bill so that Canada can take the necessary action to ratify the UNFA.

[English]

Hon. C. William Doody: Honourable senators, I should like to offer a few comments relative to this piece of legislation.

This bill has had a long and difficult journey in trying to find its way to the Senate. It was proposed in December of 1997 and has had several transformations and incarnations in the other place. Eventually, it was changed into the vehicle that is now here before us. However, I think the principle of the bill is the same: It is an attempt to put some conservation into effect in terms of the straddling fish stocks, particularly on the East Coast.

Honourable senators, why did Bill C-27 take so long to reach us? At first I thought it was merely a matter of priorities and sloppy management in the handling of government business in the other place. It could very well have been the debate or the ongoing friction, as it were, between the Department of Fisheries and the Department of External Affairs. In this particular case, read "international trade" for "foreign affairs" when it comes to the fisheries questions. Issues are often strongly influenced by

the priorities or plans or intentions of the bureaucrats and the ministries governing foreign affairs and trade.

• (1610)

That feeling of mine was reinforced by a letter that I received from the icon of environmentalism in the other place, Mr. Caccia. When Mr. Caccia was soliciting support for the executive position on the Canadian European Parliamentary Association, he wrote a letter to the members of Parliament saying:

Fisheries is an unresolved item on the Canada-European Union agenda. It was raised in a forceful way by Daniel Virella, an MEP from Spain, when visiting Canada in September. The concern is the content of Bill C-27 which Lloyd Axworthy discussed recently in Brussels. We face here a dispute which requires parliamentary attention. Canada's fine reputation abroad has been damaged by this issue. It can be restored with a concerted effort and political will.

It seems to me that Canada's "fine reputation in international affairs" might very well have been damaged in the eyes of some European nations, in particular the Spaniards. I can assure you that Canada's reputation has not been damaged in any way by Atlantic Canada's efforts to curtail the piracy and brigandage which has been carried on, on the East Coast of Canada, for such a long while.

That is why I am appalled that it has taken Canada so long to become a signatory to what is called the New York Agreement. It has taken us from 1992 until now to get the ratification legislation before us. It needs 40 signatures. My honourable friend across the way tells me that we now have 21 signatures. That is encouraging, and it would be interesting to know which countries have signed on and which have not. It is always interesting to know who your friends are when you are in positions of responsibility such as those with which we are entrusted here.

Nevertheless, the Europeans are concerned about this matter. They have gone to the trouble of circulating a memorandum in which they raise all sorts of problems. It is a fairly comprehensive document and it deserves the attention of the Fisheries Committee when this bill comes before them, as I hope it will.

I do not mean in any way to discount lightly the concerns of the Europeans, but I cannot help but emphasize again that their concerns are not necessarily completely parallel with the concerns of the people of Canada and, in particular, the people of Atlantic Canada. I know that the spectre of that Spanish trawler, which was arrested a few years ago when Brian Tobin was the Minister of Fisheries here, still rankles and still upsets them to a large degree. This sort of legislation goes some way toward making the incursion of illegal fishing into the international zone of the 200-mile economic zone somewhat more difficult for such as the Spaniards to pursue. It certainly does not go far enough in terms of the jurisdiction that Canada and other like-minded countries should try to exert in the international zones.

The thought that the fish will respect the international zones any more or less than the foreign fleets or, indeed, our own fleets up until recently, is ludicrous. It is painful to watch the deadly slow speed of our negotiators and international negotiators as they are trying to come to what everyone can see is a reasonable end to this matter. The conservation, belatedly, is long overdue. That is the end point, and it must be addressed, and properly so.

Speaking of conservation, it would be appropriate at this time to mention the affairs raised by the recent Auditor General's report in which he talks about the conservation concerns with the shellfish industry on the East Coast. We should look at the questions that he raises in terms of surveillance and the enforcement of the rules, in terms of monitoring of offshore, onshore, dockside and landings. The limited amount of enforcement that is available is enough to raise a great deal more concern. I would hope that the Fisheries Committee might find time to ask the Auditor General to appear before them and give the committee some detail as to what the situation is at the present time.

It is rather sad that the Auditor General has to bring fisheries problems to the attention of the Parliament of Canada, rather than the committees or the houses of Parliament being given the authority, the resources and the means to look at these things for themselves. When the debate is between the Government of Canada and the Auditor General of Canada, there is obviously something wrong with the system somewhere, and the members of Parliament read about all this sort of thing in reports from bureaucracies.

Make no mistake about it, the Auditor General's department is another bureaucracy. I now understand that he has more employees than the Department of Finance. No one suspects that the Department of Finance is a shrinking violet when it comes to building bureaucratic mechanisms. That is not true in this regime, any more than it was in any previous regime.

The danger with the Auditor General's bureaucracy, if I may be so bold, is that he has this tunnel vision of measuring everything in value received for dollars spent. Although that may be an admirable objective when it comes to corporate Canada, I deeply fear that this country of ours would long have ceased to exist if value for money spent was a guiding principle for every government program that was ever introduced, especially when it comes to Atlantic Canada and Quebec, and some parts of western Canada. I feel that good management is certainly a necessary part of program administration, but the bottom line must be the well-being of the people of this country of ours.

I thank my friend opposite for having brought this bill to our attention. I am sorry that we did not receive it a long time ago but I am sure he brought it to us as quickly as he could. I look forward to having it referred to the Fisheries Committee, and we will get some further information there at that time.

The Hon. the Speaker: If no honourable senator wishes to speak, I will proceed with the second reading motion.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Honourable Senator Fernand Robichaud, bill referred to the Standing Senate Committee on Fisheries.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, is it appropriate that I now leave the Chair so that we may attend the briefing?

Hon. Senators: Agreed.

The Hon. the Speaker: We will return for the vote at 5:45 p.m.

The sitting of the Senate was suspended.

• (1740)

The sitting of the Senate was resumed.

CANADA CUSTOMS AND REVENUE AGENCY BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, seconded by the Honourable Senator Bacon, for the third reading of Bill C-43, to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence,

And on the motion in amendment of the Honourable Senator Stratton, seconded by the Honourable Senator Cohen, that the Bill be not now read a third time but that be amended, in clause 54, on page 17,

(a) by replacing line 10 with the following:

“54. The Agency must develop a program”; and

(b) by deleting lines 13 and 14.

The Hon. the Speaker: Honourable senators, the question on the amendment of the Honourable Senator Stratton.

Is it your pleasure, honourable senators, to adopt the motion?

Motion in amendment negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Keon
Balfour	Kinsella
Beaudoin	Lavoie-Roux
Bolduc	LeBreton
Cochrane	Lynch-Staunton
Cohen	Meighen
Comeau	Murray
DeWare	Nolin
Di Nino	Rivest
Doody	Roberge
Forrestall	Robertson
Ghitter	Rossiter
Gustafson	Simard
Johnson	St. Germain
Kelleher	Stratton—31
Kelly	

NAYS

THE HONOURABLE SENATORS

Adams	Mahovlich
Bryden	Maloney
Callbeck	Mercier
Carstairs	Moore
Chalifoux	Pearson
Cook	Pépin
Cools	Perrault
Corbin	Poulin
De Bané	Prud'homme
Ferretti Barth	Robichaud
Fitzpatrick	(<i>L'Acadie-Acadia</i>)
Fraser	Robichaud
Gill	(<i>Saint-Louis-de-Kent</i>)
Grafstein	Roche
Graham	Rompkey
Hays	Ruck
Hervieux-Payette	Sparrow
Johnstone	Stewart
Joyal	Stollery
Kenny	Taylor
Kolber	Watt
Lawson	Whelan
Lewis	Wilson—45
Losier-Cool	

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: The question now before the Senate is on the main motion. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read third time and passed, on division.

• (1750)

PRECLEARANCE BILL

REPORT OF COMMITTEE ADOPTED, AS AMENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Stewart, seconded by the Honourable Senator Adams, for the adoption of the tenth report of the Standing Senate Committee on Foreign Affairs (Bill S-22, authorizing the United States to pre-clear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health, with amendments), presented in the Senate on March 24, 1999.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the debate on Bill S-22 has been very informative. I believe we have all learned more about this bill from the comments made and the questions asked of the honourable senators who spoke, in particular Senator Stewart and Senator Andreychuk.

Significant amendments were made to the bill in committee, and that speaks to the credit of the committee. The amendments brought primarily speak to the protection of Canadian sovereignty in the preclearance area, but there remain some questions around that issue. For example, if a traveller refuses to answer any questions asked for preclearance purposes, the preclearance officer may order the traveller to leave the preclearance area. This is a decision for the preclearance officer, not a decision that the traveller can take.

Further, third parties entering the United States through Canada for immigration purposes may be denied access into the United States. If they are refused entry, then they become the responsibility of Canadian authorities. Some feel that it is a little unclear as to what will then happen to such persons.

Honourable senators, concern was also expressed that Canada might become a conduit for people trying either to get into Canada or into the United States, either as refugees or as immigrants. If the United States turns them down, then Canada may accept them, and they will have effectively jumped the waiting queue. Also, there may not be the capability to perform preclearance services in both of Canada's official languages. That is a concern for those of us who come from bilingual jurisdictions, and who are very sensitive to this issue on a national basis.

Honourable senators, while I see the importance for Canada to have such a bill, and the argument, I believe, was a convincing argument made for the implementation of preclearance, there are some areas that may develop as we gain experience. I had thought, honourable senators, that I might bring in a type of "sunset clause," but I have been convinced that in order to achieve the purpose that I would have, namely, to provide a situation where we learn from the experience that we would have with the bill, it might be more helpful to proceed otherwise.

Therefore, I have decided to add an amendment that would have the effect of providing that the minister undertake a review, after five years of experience with the bill, such that these kinds of eventualities that might occur could be addressed by such a review.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Therefore, honourable senators, I move, seconded by the Honourable Senator DeWare:

That Bill S-2 be not now read the third time but that it be amended on page 12,

(a), by adding, after line 11, the following:

"FIVE YEAR REVIEW

39. Five years after this act comes into force, the Minister shall cause an independent review of the Act and its administration and operation to be conducted, and shall cause a report on the review to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the review is completed," and

(b) by renumbering clause 39 as clause 40 and any cross-references thereto accordingly.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I believe that what Senator Kinsella wishes to do is amend the report. We are at report stage, not third reading. He would be amending the report to make that further amendment, and we would be in full agreement with that.

Senator Kinsella: You are correct.

Senator Grafstein: I have a question.

The Hon. the Speaker: Perhaps we should deal with the motion so that we have something before us. At the moment, there is no matter before us.

Honourable Senator Kinsella, you heard the deputy leader. Are you in agreement that we will amend the report of the committee through this vehicle?

Senator Kinsella: Yes, that is correct.

Hon. Jeremiah S. Grafstein: I received, as no doubt Senator Kinsella received, a letter from the Privacy Commissioner laying out his concerns about this bill. Do I take it, then, that the concerns of the Privacy Commission are subsumed by the proposed amendment?

Senator Kinsella: Yes, honourable senator, and I believe that, in accordance with the recommendation coming from the Privacy Commissioner, should this bill become law, the time line would be roughly the same.

The Hon. the Speaker: If no other honourable senator wishes to speak, I will proceed with putting the motion in amendment.

Is it your pleasure to adopt the motion in amendment, honourable senators?

Hon. Senators: Agreed.

Motion agreed to and report, as amended, adopted.

The Hon. the Speaker: When shall this bill, as amended, be read the third time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I believe there is agreement on both sides, in that it is almost six o'clock and there are a number of committees which wish to sit, that all other items on the Order Paper stand in the order in which they are at the present time, and that an adjournment motion would be acceptable.

The Hon. the Speaker: Is that agreeable?

Hon. Senators: Agreed.

The Senate adjourned until Wednesday, April 28, 1999 at 1:30 p.m.

CONTENTS

Tuesday, April 27, 1999

	PAGE		PAGE
Business of the Senate			
Senator Carstairs	3151	Senator Graham	3156
Senator Lynch-Staunton	3151	Conflict in Yugoslavia—Resistance to Further Escalation in Support of Possible Peace Proposal—Government Position.	
Senator Graham	3151	Senator Roche	3156
		Senator Graham	3156
SENATORS' STATEMENTS			
Canada-Europe Parliamentary Association			
Meeting of Organization on Security and Cooperation in Europe in Paris, France, Senator Grafstein	3152	North Atlantic Treaty Organization	
		Conflict in Yugoslavia—Summit Meeting in Washington— Imposition of Embargo on Military Equipment and Oil Supply—Position of the Prime Minister, Senator Roberge	3156
		Senator Graham	3157
		Senator Andreychuk	3157
ROUTINE PROCEEDINGS			
Banking, Trade and Commerce			
State of Financial System—Budget Report of Committee on Study Presented and Adopted, Senator Meighen	3154	Foreign Affairs	
Adjournment		Conflict in Yugoslavia—Possible Peace Proposal—Visit of Minister to Russia—Government Position.	
Senator Carstairs	3154	Senator Andreychuk	3157
		Senator Graham	3157
L'Assemblée parlementaire de la Francophonie		Conflict in Yugoslavia—Effect of Naval Blockade—Visit of Minister to Russia—Government Position.	
Meeting Held in Niamey, Niger—Report of Canadian Delegation Tabled, Senator Losier-Cool	3154	Senator Andreychuk	3157
		Senator Graham	3157
Foreign Affairs		Canada-United States Relations	
Committee Authorized to Meet During Sitting of the Senate.		Loss of Favoured Exemption from International Traffic in Arms Regulations—Possible Trade Dispute—Effect on Industry.	
Senator Carstairs	3154	Senator Bolduc	3158
		Senator Graham	3158
Visitors in the Gallery		Loss of Favoured Exemption from International Traffic in Arms Regulations—Possible Trade Dispute—Terms of Moratorium, Senator Nolin	3158
The Hon. the Speaker	3155	Senator Graham	3158
QUESTION PERIOD			
Human Resources Development			
Auditor General's Report—Effectiveness of National Child Benefit Program—Government Position, Senator Cohen	3155	Delayed Answers to Oral Questions	
Senator Graham	3155	Senator Carstairs	3159
North Atlantic Treaty Organization		North Atlantic Treaty Organization	
Conflict in Yugoslavia—Deployment of Ground Troops— Request for Canadian Support, Senator Forrestall	3155	Forthcoming Summit—Statements of Government on Nuclear Policy—Request for Tabling.	
Senator Graham	3155	Question by Senator Roche.	
NATO Forces in Yugoslavia—Deployment of Ground Troops— Assignment in Macedonia, Senator Forrestall	3155	Senator Carstairs (Delayed Answer)	3159
Senator Graham	3155	Industry	
NATO Forces in Yugoslavia—Deployment of Ground Troops— Units to be Assigned, Senator Forrestall	3155	Resolution of Interprovincial Dispute Involving Construction Industry—Absence of Dispute Settlement Mechanism in Agreement on Internal Trade—Government Position.	
Senator Graham	3155	Question by Senator Kelleher.	
Foreign Affairs		Senator Carstairs (Delayed Answer)	3159
Conflict in Yugoslavia—Possible Peace Proposal—Visit of Minister to Russia—Government Position, Senator Roche ...	3156	Foreign Affairs	
		NATO Forces in Former Yugoslavia—Possible Arming of Kosovo Liberation Army—Government Position.	
		Question by Senator Andreychuk.	
		Senator Carstairs (Delayed Answer)	3159

Answer to Order Paper Question Tabled

Francophone Summit—Application for Funding— Government Position. Senator Carstairs	3159
---	------

Business of the Senate

Entitlement of Non-Members to Participate in Committee Meetings—Point of Order—Speaker's Ruling Reserved.	3159
Senator Kenny	3160
Senator Rompkey	3160

ORDERS OF THE DAY**Extradition Bill (Bill C-40)**

Third Reading—Motions in Amendment— Debate Continued. Senator Cools	3163
Senator Nolin	3167
Senator Grafstein	3167
Senator Kinsella	3168

**Costal Fisheries Protection Act
Canada Shipping Act (Bill C-27)**

Bill to Amend—Second Reading. Senator Robichaud	3169
Senator Doody	3171
Referred to Committee.	3172

Business of the Senate

The Hon. the Speaker	3172
----------------------------	------

Canada Customs and Revenue Agency Bill (Bill C-43)

Third Reading.	3172
---------------------	------

Preclearance Bill (Bill S-22)

Report of Committee Adopted, as Amended.	
Senator Kinsella	3173
Motion in Amendment. Senator Kinsella	3174
Senator Carstairs	3174
Senator Grafstein	3174

Business of the Senate

Senator Carstairs	3174
-------------------------	------



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CANADA

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OFFICIAL REPORT
(HANSARD)

Wednesday, April 28, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, April 28, 1999

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw to your attention the presence in our gallery of some distinguished visitors. We have with us today the newly appointed Consul General in Winnipeg for Iceland, who is also the Special Envoy for Millennium Affairs, Mr. Svavar Gestsson. He is accompanied by his wife, Gudrun Thorbjarnadottir.

On behalf of all honourable senators, I wish you both welcome to the Senate as guests of the Honourable Senator Johnson.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

ACCESS TO INFORMATION ACT

LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE—
REPORT CARDS OF VARIOUS DEPARTMENTS ON COMPLIANCE
WITH RESPONSE DEADLINES TABLED

On Tabling of Documents:

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have the honour to table documents entitled, "Report Card on Compliance with Response Deadlines under the Access to Information Act," prepared by the Information Commissioner of Canada, in response to a commitment made to the Standing Senate Committee on Legal and Constitutional Affairs, for the following federal departments: Citizenship and Immigration, Foreign Affairs and International Trade, Health Canada, National Defence, Privy Council Office and Revenue Canada.

ABORIGINAL PEOPLES

ROYAL COMMISSION ON ABORIGINAL PEOPLES—
BUDGET REPORT OF COMMITTEE ON STUDY PRESENTED

Hon. Charlie Watt, Chairman of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Wednesday, April 28, 1999

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

EIGHTH REPORT

Your committee, which was authorized by the Senate on Tuesday, December 9, 1997 to examine and report on the recommendations of the *Royal Commission Report on Aboriginal Peoples* respecting Aboriginal governance, now requests approval of funds for 1999-2000.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

CHARLIE WATT
Chairman

(For text of appendix, see today's Journals of the Senate, p. 1508.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Watt, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO REFER PREVIOUS DOCUMENTATION ON STUDY
OF BOREAL FOREST TO SUBCOMMITTEE

Hon. Nicholas W. Taylor: Honourable senators, I give notice that on Thursday next, April 29, 1999, I will move:

That the papers and evidence received and taken on the subject of the harvest of the boreal forest during the Second Session of the Thirty-fifth Parliament be referred to the Subcommittee on the Boreal Forest of the Standing Senate Committee on Agriculture and Forestry.

PRESENT STATE AND FUTURE OF FORESTRY—
BUDGET REPORT OF COMMITTEE ON STUDY PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

• (1340)

Hon. Leonard J. Gustafson, Chairman of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Wednesday, April 28, 1999

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

NINTH REPORT

Your committee, which was authorized by the Senate on November 18, 1997 and on November 24, 1998, to examine matters relating to the present state of forestry and the future of forestry in Canada, respectfully requests approval of funds for 1999-2000.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LEONARD J. GUSTAFSON
Chairman

(For text of appendix, see today's Journals of the Senate, p. 1514.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Gustafson, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

QUESTION PERIOD

CANADIAN HERITAGE

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL—
ARTICLE IN PRESS—POSSIBILITY OF AMENDMENTS—
GOVERNMENT POSITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, my question is based on an article on the

front page of today's *Globe and Mail* entitled, "Plan aims to avert magazine trade war." The article states that discussions between Canadian and American trade officials in Washington are leading to a conclusion, and it goes on to say:

The package is aimed at averting a trade war over Canada's proposed magazine policy and would probably go Bill C-55...

I should like the Leader of the Government in the Senate to confirm or deny that the results of discussions between Canadian and American trade officials in Washington now taking place will lead to an agreement along the lines suggested in the article, which would, in effect, gut Bill C-55?

Are the conclusions reached in this article valid?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I read as well the article referred to by the Honourable Senator Lynch-Staunton. It is true that there have been discussions on this and a variety of other matters between Canadian officials and representatives of the United States. It is my understanding that Canada has not proposed an alternative to Bill C-55 but, rather, has reinforced our position that the availability of original content for the Canadian market is the underlying public policy objective.

My understanding is that while meetings have been held, further meetings have not been scheduled.

Senator Lynch-Staunton: Honourable senators, as I understand it, the minister cannot either deny or confirm the report in today's *Globe and Mail*.

Be that as it may, during second reading on March 18, at page 2844 of Hansard, the minister told us in answer to a question, "I just said we have no amendments planned nor are any amendments intended." In answer to another question, he said: "I am the sponsor of the bill and, as far as I am concerned, the bill stands as it is."

My question to the minister is: Can he confirm to us that he is still his position and the position of the government?

Senator Graham: Honourable senators, as of today it is, yes.

Senator Lynch-Staunton: As of today?

Senator Graham: Yes, as of today. The members of the committee and senators are masters of this chamber. Members of the committee are masters of the committee. It may be that, as has happened on other occasions, honourable members of the opposition and on the government side wish to introduce amendments. The government may suggest amendments after discussions, but I am not aware of any amendments that may be forthcoming.

In the meantime, the hearings continue, and the committee is doing very good work.

Senator Lynch-Staunton: The committee is doing excellent work. Most of us are now convinced that this bill should be passed as it is. Despite some questions regarding the Charter and WTO, we feel the risk is worth taking, particularly as it has been presented to us as a response to a challenge to Canada's cultural identity. On that basis, I think we should all stand together. When Minister Coppins came to the committee on April 13, she said:

I am looking for a quick and speedy passage of this bill, senators. That is why we are sitting here tonight. I accommodated your changed agenda rather quickly because I would love to see this bill passed as quickly as possible.

That appears to be the government's official position — and one, I trust, that is endorsed by Senator Graham. Therefore, what are we doing proceeding with committee hearings, given the possibility this bill may be amended as a result of the discussions taking place in Washington? Why do we not take a decision on the legislation ourselves and instruct the committee, which is our right to do, go into clause-by-clause study this week, and bring it back next week and pass it. By so doing, Canada will have taken a stand, whereas, according to *The Globe and Mail*, we will, once again, be submitted to the wishes of the American government.

Senator Graham: Honourable senators, I would suggest that the Leader of the Opposition read the list of witnesses that have been scheduled up to and including early May.

Senator Lynch-Staunton: Yes, and there are more to come. There is no question about that. Most of them are irrelevant to the hearings on the bill.

Senator Graham: Why would the Leader of the Opposition want to deny individual Canadians or organizations the opportunity to make representations to this committee? I think that is in keeping with the democratic process, which we hope to follow at all times around here.

CAPE BRETON DEVELOPMENT CORPORATION

CLOSURE OF MINES—PROPOSED CHANGES TO PENSION PLAN— EFFECT ON ELIGIBILITY OF EMPLOYEES

Hon. Lowell Murray: Honourable senators, earlier this week the Leader of the Government in the Senate and his colleague the Minister of Natural Resources, Mr. Goodale, met with representatives of the United Families of Cape Breton concerning the fate of the coalminers and their families in view of the announced decision by the government to close down the Cape Breton Development Corporation.

What is the response of the government to the proposal for changes to the pension plan offered by the government to Devco employees so that a greater proportion of the laid off employees will be eligible? I understand that some 340 of 1,700 employees would be eligible for the full pension.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Senator Murray is correct with respect to my meetings, along with Minister Goodale, with the United Families of Cape Breton. Those meetings were held on Monday. I anticipate a further meeting later today and another meeting tomorrow morning with the same responsible group.

I had a meeting three weeks ago with the same group in Glace Bay. I am very cognizant of their concerns. The government has not changed its position concerning the human resources package with respect to early retirement, severance and training. We are listening to these responsible people and we will continue to do so. I do not know whether the package stands as it is at the present time.

Senator Murray: Honourable senators, I did not quite get, or perhaps understand, the last sentence that my friend uttered. The minister stated "The package stands." Do I take it that the proposals for improved pension arrangements as made by the united families and others from Cape Breton are under consideration by the government?

• (1350)

Senator Graham: I would not want to confirm or deny that, honourable senators. There are almost 1,700 employees who would be listed as employees of the Cape Breton Development Corporation. Those who would be affected by a closure at Phalen mine, in particular, would be in the order of 1,100. Of those, if the mine continues, as we hope it will, until the year 2000, some 340 would be eligible for early retirement. Others would receive severance pay and a retraining package. The remainder would continue to be employed by Devco at the Prince mine until that mine is privatized.

Senator Murray: Honourable senators, it appears to be a rather short or perhaps medium-term plan that the government is offering. I hope and trust that the government will consider the proposals for more secure arrangements for those who will not be covered by pensions and who will not be covered by health plans and other benefits but who live in an area which has the highest cancer rates in the country.

CLOSURE OF MINES—RESPONSIBILITY FOR ENVIRONMENTAL CLEAN-UP—GOVERNMENT POSITION

Hon. Lowell Murray: Honourable senators, would the leader also inform the Senate on how the government intends to carry out its responsibility for environmental clean-up? There are over 100 abandoned mine sites in Cape Breton, at least that is how many are known by the authorities. These mines were inherited by the Crown corporation, along with the more recent mining and ancillary operations. All of those, in an environmental sense, are the responsibility of the Government of Canada. The liability is in the hundreds of millions of dollars. The work needs to be done over a period of years.

Is the government considering doing this work under the aegis of Devco or a subsidiary of Devco, whose employees are well informed on these matters and in need of the jobs and the eligibility which the jobs provide for future pensions?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the government and the Crown corporation Devco are very cognizant of their responsibilities for remedial action. No final decision has been taken with respect to what route will be followed in the remedial process.

Senator Murray: Honourable senators, I take it the possibility of doing this work directly through Devco or a subsidiary of the Crown corporation is still open. That will be very encouraging.

NATIONAL REVENUE

CANADA CUSTOMS AND REVENUE AGENCY— LOCATION OF HEADQUARTERS—GOVERNMENT POSITION

Hon. Lowell Murray: Honourable senators, Royal Assent will be given shortly to Bill C-43, which passed third reading here yesterday. The bill establishes the new Canada Customs and Revenue Agency. My friend will recall that, in the House of Commons, the government accepted an amendment that had the effect of giving the government discretion to establish the national headquarters of that new agency anywhere in Canada.

Has the government made a decision as to where in Canada the headquarters of the revenue agency will be located? If not, when may we expect a decision to be made? Will the minister assure us that Cape Breton is in the running?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as I understand it, the decision has not been taken. I have made representations on behalf of Cape Breton. I do not know that he would want his name associated with the building that would house the Revenue Canada agency, if it happened to be located in that area.

I know that other parts of the country have made representations as well. I take Senator Murray's suggestion seriously. It would certainly help in alleviating the economic circumstances in that part of the country.

Returning for a moment to the issue of Devco, the Government of Canada, in bringing forth its proposals, as my honourable friend would know, must look at the difficulties in operating a Crown corporation with respect to coalmines. The government of which Senator Murray was a part in 1991 had to write off something in the order of \$155 million. In 1996, the government advanced a further \$69 million which was to be repaid. As a result of the difficulties that we have had and the announcement made on January 27, the government agreed to write off that \$69 million. Then, in order to get Phalen mine to March 31 of this year, the government had to inject another \$41 million. To keep Phalen mine going to the year 2000, another \$40 million was required.

The government has agreed to write off all those amounts. In addition to that, as I mentioned just a few moments ago, \$111 million was provided in the human resources development

package for early retirement, severance and training. In addition to those sums of money, the Government of Canada has agreed to inject a new package of \$68 million for economic development purposes. That is over and above the flow of money which would go normally into Cape Breton through human resources development. The average each year is approximately \$35 million, for a total over four years of \$140 million. This is more than the sum that normally flows through ECBC/ACOA at an average of \$20 million a year for a total of \$80 million. That adds up to well over half a billion dollars.

The government is very cognizant of the difficulties in that particular part of the country. We are listening carefully to the public. That is why I have met with the United Families of Cape Breton in Glace Bay again, as recently as Monday. I expect to meet with them today and again tomorrow morning.

I want to assure Senator Murray, who has a special interest in that particular part of the country and in coalmining, that every possible effort is being made to be fair and to listen carefully to the representations that are being made.

NATIONAL DEFENCE

NATO CONFLICT IN YUGOSLAVIA— RESPONSIBILITIES OF CHIEF OF DEFENCE STAFF

Hon. J. Michael Forrestall: Honourable senators, my question is directed to the Leader of the Government in the Senate.

At a time when it is important that Canadians have and are seen to have good leadership on the questions arising out of Yugoslavia, it is equally important that Canada's military personnel have clear and visible leadership. I have seen much of the Deputy Chief of the Defence Staff in the news media and television and at briefings, and this may be a problem. I have not seen the Chief of the Defence Staff, General Baril, for some time. Is the general well?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, he is both alive and well. As a matter of fact, I saw him yesterday and he is in excellent health.

Senator Forrestall: I am pleased to hear it.

Senator Graham: He is taking his responsibilities seriously. As you might expect, the Deputy Chief of the Defence Staff, who was present at our briefing yesterday, has been designated as spokesperson for the Canadian Forces. That is why you have not seen so much of General Baril, but I assure honourable senators that he is in complete command and in very good health.

•(1400)

Senator Forrestall: Many people who have been asking over the last four or five days will be pleased to hear that.

SEARCH AND RESCUE—POSSIBLE RISKS IN DISCHARGING
FUEL FROM LABRADOR AND SEA KING HELICOPTERS

Hon. J. Michael Forrestall: Honourable senators, moving not necessarily away from Kosovo but into the area of Canadian Forces equipment, the strong suggestion continues to linger that the procedure for the discharge of fuel from Labrador helicopter 305 probably contributed to the tragic events that occurred.

Could I ask the minister if he has among his briefing notes or whether he could inquire as to whether there are any other indications in defence literature or investigative reports that might suggest that this is a dangerous procedure that, perhaps, should be reviewed? If there are, could he determine for us whether or not an order to that effect has been circulated among the pilots of the Labrador and the Sea Kings as well?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, risk is inherent to military aviation even among the newest and most sophisticated of aircraft. The Canadian Forces take seriously their responsibility to constantly look for ways to minimize all risk. Strict procedures are in place that allow our flight safety personnel to manage risk through constant vigilance and evaluation. That kind of evaluation and assessment is going on constantly.

With respect to the tragic circumstances surrounding the crash in Quebec in October, I am not aware of any reference to a discharge of fuel being the cause of that tragic accident. If I can obtain any more information that is relevant to the question, I certainly would be happy to bring it forward.

NATO CONFLICT IN YUGOSLAVIA—DEPLOYMENT OF
GROUND TROOPS IN PEACEKEEPING INITIATIVE—
RESPONSIBLE AUTHORITY

Hon. A. Raynell Andreychuk: Honourable senators, following up on the 800 peacekeepers we are sending to Macedonia at this time and on the fact that Minister Axworthy is either on his way or is already in Russia, is it the position of the government that these troops are only there and will be dispatched only under the auspices of NATO?

Hon. B. Alasdair Graham (Leader of the Government): My understanding, honourable senators, is, as indicated yesterday, that up to 800 Armed Forces personnel would be dispatched for peacekeeping purposes under the auspices of NATO at the present time.

Senator Andreychuk: Honourable senators, am I to take from the answer that the government is not taking into account that, perhaps, a UN-led peacekeeping mission would be possible or, perhaps, some other coalition of NATO plus other countries?

Senator Graham: That would be realistic, and I would not want to rule it out, honourable senators. I suppose I am treading into dangerous territory here. The best solution, of course, would be to have it sponsored by the United Nations, but if it is NATO

and other allies, then that is something which would be considered, I am sure, by Canada and its allies.

It would be important that NATO maintain command simply to ensure that all the Kosovars are returned safely to their homeland and not just the KLA. That is, perhaps, cutting a fine line.

However, there are inherent dangers in whatever scenario one might consider under the auspices of the United Nations, NATO alone, or NATO with some of its allies. That is why these matters are being considered on a daily basis. Hopefully, through the efforts of Prime Minister Chrétien and others, including the very important mission that Foreign Minister Axworthy is undertaking to Russia later this week, we can find a diplomatic solution to this terrible problem.

Senator Andreychuk: Honourable senators, I hope that the reports in the newspaper, therefore, are incorrect when they state that Minister Axworthy will only negotiate with the Russians on the basis of a NATO-led or at least a core NATO-peacekeeping arrangement.

Senator Graham: I honestly do not know. If I were in the room, I suppose I could tell you. I do not want to preempt or even anticipate the negotiations or the nature of the negotiations that would go on between Minister Axworthy, his counterpart, the present Prime Minister and/or the former prime minister of Russia.

NORTH ATLANTIC TREATY ORGANIZATION

CONFLICT IN YUGOSLAVIA—DEPLOYMENT OF
GROUND TROOPS—POSSIBLE VOTE IN PARLIAMENT—
GOVERNMENT POSITION

Hon. Gerry St. Germain: On the same subject-matter, honourable senators, are the reports correct that the Prime Minister has indicated that he will not allow a vote on the deployment of ground troops in what some of us already consider to be a theatre of action?

Hon. B. Alasdair Graham (Leader of the Government): My understanding is that the Prime Minister has given an undertaking that if our Armed Forces were deployed for any reason other than peacekeeping, he would return for discussions in Parliament.

Senator St. Germain: Has he stated that there would not be a vote? The minister indicated that it is a decision of the executive. I am respectful of that, but in view of the importance of this issue, the debate should take place across the country.

In British Columbia, the province I represent, the government ruling does not even have the support of a majority of the vote. With 38 per cent of Canadians supporting this government in the last election, I think a vote on sending our men and women into a theatre of action would be critical.

I am sure the government will have the support of the entire House of Commons, as you have our support, but it is a matter of dealing with the decision in the manner in which it has been traditionally dealt with. I ask you that, honourable senator, in the spirit of cooperation, not confrontation.

Senator Graham: It is my understanding that the Prime Minister has not committed himself to a vote. He has indicated that executive decisions have been taken in the past. There are precedents for such decisions. He has undertaken, however, to bring the matter back to Parliament if and when it is determined that these forces should be deployed for other than peacekeeping reasons.

Against the background of the question asked by the Honourable Senator St. Germain, I checked the record in terms of votes that have been taken. From 1950 to 1996, there have been 22 initiatives involving Canadian military personnel overseas. Of these, 17 were debated in Parliament, and of those, five were recorded votes and three motions were agreed to without a vote, five were taken after deployment; three were for the Gulf War, Iran, Iraq, Somalia, and three for deployment.

I want to bring honourable senators up to date on the latest development. I was informed just as I came into the chamber that the Deputy Prime Minister of Yugoslavia, Mr. Vuk Draskovic, has been removed from power.

[Translation]

CANADA-UNITED STATES RELATIONS

LOSS OF FAVOURED EXEMPTION FROM INTERNATIONAL TRAFFIC IN ARMS REGULATIONS—POSSIBLE TRADE DISPUTE— EFFECT ON MILITARY COOPERATION

Hon. Pierre Claude Nolin: Honourable senators, Canada and the United States share one continent. We have established a unique relationship in order to develop the necessary economic activity to establish the industrial and technological bases of our mutual defence system.

This relationship, which developed during World War II, was strengthened in 1958 with the signing of the NORAD agreement establishing the North American Air Defence System.

In addition to cooperating in the North American defence system and in NATO, our two countries share the same desire to cooperate in response to any potential threat to the national and territorial security of our two North American countries.

At the end of February, Canada and the United States initiated negotiations for renewal of the NORAD agreement, which is to expire in the year 2001. As was the case with the negotiations on the U.S. International Traffic in Arms Regulations, Canada expected negotiations with the Americans to be difficult. They want the new agreement to include the deployment of a new aerospace defence system against weapons of mass destruction, which would cost in excess of \$10 billion to build.

Although Canada is prepared to contribute over \$600 million to the setting up of this system, it has indicated two concerns to the Americans. On the one hand, this might be in contravention of the treaty limiting use of the defence system against ICBMs, which came into effect in 1972. On the other hand, this system could trigger a new arms race with China and Russia.

My question is for the Leader of the Government. Over the past eight months, Canada has not been able to change the U.S. position on terminating Canada's special status under their International Traffic in Arms Regulations. This will have an impact on cooperation between our two countries when it comes to developing military and aerospace technologies.

Can the Leader of the Government inform us of the status of discussions with the Americans on the NORAD agreement?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am aware that negotiations are underway. I am also aware that the Americans would welcome Canada's participation in the aerospace defence system, which has been described in some considerable detail by Senator Nolin. I am not aware that we have made any agreement. Indeed, I believe I can say with verity that we have not. However, I would not anticipate that our relations, trade or otherwise, would be adversely affected by saying no to participation in such a sophisticated aerospace defence system. There are other ways in which we can not only sustain but improve our relations with our neighbour to the south.

[Translation]

Senator Nolin: The Americans could go ahead unilaterally with their plans for a space shield, as they did in the case of Canada's favoured exemption from the U.S. International Traffic in Arms Regulations, and further complicate the already complicated 40-year history of military cooperation between our countries?

[English]

Senator Graham: Honourable senators, I would not anticipate any serious difficulties arising out of any disagreement. I believe there are discussions as well as disagreements on an ongoing basis, be they in trade or in defence matters. There is always a continuing flow and exchange of ideas, and this is particularly true for defence matters with our NATO allies. It applies to our Armed Forces in exchange of visits. The honourable senator will recall last year when a huge contingent of our allies carried out exercises in Newfoundland very successfully. They not only had the terrain, which was so well used, but experienced the hospitality of Newfoundlanders as well.

Seriously, I would not consider this matter to be a problem. If you were a resident of the Atlantic coast, and you happened to be in Halifax, you would see numerous visits not only by our NATO allies but most particularly by members of the U.S. navy.

Senator Nolin: Honourable senators, the United States has taken a stand. Even if we have 120 days to try to solve the problem concerning trade in arms between our two countries, this matter is very important. NORAD is an agreement between two sovereign countries. We have been a party to that agreement for the last 40 years, and it is up for renewal. If, after 120 days, we are not able to solve the trade concerns the Americans have, what will happen with NORAD? Canadian companies will no longer be able to sell arms to Americans. Is that what we want?

Senator Graham: Honourable senators, perhaps I am a little more optimistic than Senator Nolin. I believe he has a legitimate concern and I am glad he has raised it. As always, I will bring his representations and his concerns to the attention of my colleagues.

Senator Lynch-Staunton: He wants an answer.

Senator Graham: If I had an answer I would give it, Senator Lynch-Staunton.

Senator Lynch-Staunton: Tell him you do not have the answer.

Senator Graham: I do not have the answer, and I believe that is obvious.

Senator Lynch-Staunton: Exactly.

Senator Graham: If you wish to ask a question you can ask a supplementary after I am completed with Senator Nolin.

As I said, there are continuing negotiations. In some cases there is an honest difference of opinion. Hopefully, they will all be resolved. We are all respectful of the importance of NORAD and its surrounding agreements.

Senator Nolin: As the minister knows, the space industry is very important.

The Hon. the Speaker: This must be the last question, Senator Nolin.

Senator Nolin: It will be my last.

We are not only talking about guns and armoured vehicles, we are talking about the space industry, an important industry in Montreal. We feel that the federal government is not taking the concerns of the Americans seriously and, like Senator Bolduc said yesterday, are being kicked in the heels. Finally the Americans decided to hit back. Now we are reacting, and the only thing we have is 120 days to push the problem further. We are very concerned. I hope the minister is also very concerned.

Senator Graham: Honourable senators, I am very concerned. I can tell the honourable senator that the ministers, whether it be the Minister of International Trade, the Minister of Industry, the Minister of National Defence or the Prime Minister, are all very concerned about this matter.

As a matter of fact, just a few weeks ago I had occasion to speak at an event in the Montreal area with Minister Manley. He

spoke at that particular time of the aerospace industry that is so important to that particular part of Canada. It is important to the whole country. I am sure that whatever negotiations are underway will be brought to a successful conclusion.

ORDERS OF THE DAY

EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Pearson, for the third reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence,

And on the motions in amendment of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., that the Bill be not now read a third time but that it be amended:

1. in clause 44:

(a) by replacing lines 28 and 29 on page 17 with the following:

“circumstances;

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner; or

(c) the request for extradition is made for”; and

(b) by replacing lines 1 to 6 on page 18 with the following:

“(2) Notwithstanding paragraph (1)(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances.”.

2. in Clause 2 and new Part 3:

(a) by substituting the term “general extradition agreement” for “extradition agreement” wherever it appears;

(b) by substituting the term "specific extradition agreement" for "specific agreement" wherever it appears;

(c) in clause 2, on page 2

(i) by adding after line 5 the following:

"'extradition' means the delivering up of a person to a state under either a general extradition agreement or a specific extradition agreement.'";

(ii) by deleting lines 6 to 10;

(iii) by replacing line 11 with the following:

" 'extradition partner' means a State";

(iv) by adding after line 15 the following:

" 'general extradition agreement' means an agreement that is in force, to which Canada is a party and that contains a provision respecting the extradition of persons, other than a specific extradition agreement.

"general surrender agreement" means an agreement in force to which Canada is a party and that contains a provision respecting surrender to an international tribunal, other than a specific extradition agreement.'";

(v) by replacing lines 20 and 21 with the following:

" 'specific extradition agreement' means an agreement referred to in section 10 that is in force.

"specific surrender agreement" means an agreement referred to in section 10, as modified by section 77, that is in force.'";

(vi) by replacing lines 29 to 31 with the following:

"jurisdiction of a State other than Canada; or

(d) a territory.

"surrender partner" means an international tribunal whose name appears in the schedule.

"surrender to an international tribunal" means the delivering up of a person to an international tribunal whose name appears in the schedule."

(d) on page 32, by adding after line 6 the following:

"PART 3 SURRENDER TO AN INTERNATIONAL TRIBUNAL

77. Sections 4 to 43, 49 to 58 and 60 to 76 apply to this Part, with the exception of paragraph 12(a),

subsection 15(2), paragraph 15(3)(c), subsections 29(5), 40(3), 40(4) and paragraph 54(b),

(a) as if the word "extradition" read "surrender to an international tribunal";

(b) as if the term "general extradition agreement" read "general surrender agreement";

(c) as if the term "extradition partner" read "surrender partner";

(d) as if the term "specific extradition agreement" read "specific surrender agreement";

(e) as if the term "State or entity" read "international tribunal";

(f) with the modifications provided for in sections 78 to 82; and

(g) with such other modifications as the circumstances require.

78. For the purposes of this Part, section 9 is deemed to read:

"9. (1) The names of international tribunals that appear in the schedule are designated as surrender partners.

(2) The Minister of Foreign Affairs, with the agreement of the Minister, may, by order, add to or delete from the schedule the names of international tribunals."

79. For the purposes of this Part, subsection 15(1) is deemed to read:

"15. (1) The Minister may, after receiving a request for surrender to an international tribunal, issue an authority to proceed that authorizes the Attorney General to seek, on behalf of the surrender partner, an order of a court for the committal of the person under section 29."

80. For the purposes of this Part, subsections 29(1) and (2) are deemed to read:

"29. (1) A judge shall order the committal of the person into custody to await surrender if

(a) in the case of a person sought for prosecution, the judge is satisfied that the person is the person sought by the surrender partner; and

(b) in the case of a person sought for the imposition or enforcement of a sentence, the judge is satisfied that the person is the person who was convicted.

(2) The order of committal must contain

- (a) the name of the person;
- (b) the place at which the person is to be held in custody; and
- (c) the name of the surrender partner."

81. For the purposes of this Part, the portion of paragraph 53(a) preceding subparagraph (i) is deemed to read:

"(a) allow the appeal, if it is of the opinion"

82. For the purposes of this Part, paragraph 58(b) is deemed to read:

"(b) describe the offence in respect of which the surrender is requested;" and

(e) by renumbering Part 3 as Part V and sections 77 to 130 as sections 83 to 136; and

(f) by renumbering all cross-references accordingly."

Hon. Anne C. Cools: Honourable senators, I rise on a point of order. My point of order relates to the substance and the clarity of what is before us, and exactly what we are being asked to vote upon.

On rereading the debates this morning, I read carefully, and with interest, the questions that Senator Nolin had put to me. Consequently, honourable senators, my point of order is prompted by Senator Nolin's interventions of yesterday during debate on Bill C-40 and Senator Grafstein's proposed amendment.

• (1420)

In my opinion, Senator Nolin's questions are important, as is Senator Nolin's opinion. After all, this stage of debate is based on the opinion of the members of the Standing Senate Committee on Legal and Constitutional Affairs. The wider chamber relies on the recommendations and the report from that committee for guidance.

Yesterday, in my remarks I said:

Many countries, member states of the United Nations, wish the Anglo-Saxon legal tradition, the common law tradition of Canada, to be weakened. Bill C-40 does that, as, for example, clauses 31 to 37, which alter the rules of evidence, admitting hearsay as evidence and permitting the use of non-sworn documents.

Those were my words yesterday. In a question to me, Senator Nolin asked and I quote exactly — "she" meaning me:

She said that if we were to pass the bill as is, we would authorize and sanction hearsay, which is not authorized in Canada. Can the senator be more specific, please?

I answered, restating my previous remarks. Senator Nolin then responded:

The senator must be very specific. She says that we would allow hearsay. Of course, I would not support that.

Senator Nolin said that he would not support the use of hearsay. He said that he would not be supporting Bill C-40 if it authorized and sanctioned hearsay, which is not currently authorized in Canada.

Honourable senators, my point of order relates to the contrary information which is currently before this chamber, and to the fact that senators needs some clarification as to the actual content of Bill C-40 and exactly what it is that we are being asked to vote upon.

What I said was a repetition of what had been said previously in support of Bill C-40. I used almost the exact words that the Minister of Justice, Anne McLellan, used when she appeared before the Standing Senate Committee on Legal and Constitutional Affairs, of which I am not a member, and which the Senate's government sponsor, Senator Fraser, used when she addressed the Senate. I was repeating what they had said, honourable senators.

During the meeting of the Legal and Constitutional Affairs Committee held on March 18, 1999, Minister McLellan made many statements about these changes to the rules of evidence. I shall put some of them on the record.

Bill C-40 is important as well because it will put Canada in compliance with the United Nations Security Council resolutions establishing the international criminal tribunals for Rwanda and the former Yugoslavia.

Continuing on page 63:

As you will have heard from several witnesses, our current extradition law does not allow the flexibility needed to extradite a fugitive to a tribunal.

At page 63 she continues:

In addition — and this is the important change — that evidence must be produced in a form consistent with Canadian evidentiary rules. This means that states must produce first-person affidavits, which contain no hearsay, sufficient to meet the Canadian legal standard. Complex cases may require hundreds of such affidavits.

The Hon. the Speaker: Honourable Senator Cools, I am sorry to interrupt you. However, I regret to tell you that I fail to see a point of order. It seems to me that you are simply reviving debate on the fact that you are in disagreement with what was said.

Senator Cools: Not at all.

The Hon. the Speaker: I see no infraction of the rules that has occurred on which I could rule. You are simply having a second debate, which I am sorry to say I am unable to entertain.

Senator Cools: Honourable senators, I am not indulging in a second debate. What I am attempting to say, and I was attempting not to use anyone else's words but the minister's and Senator Fraser's, is that from what I can see, Senator Nolin is saying to the Senate that he has either changed his mind, or he did not know —

Senator Lynch-Staunton: That is not a point of order. It is debate.

The Hon. the Speaker: The rules are clear, Senator Cools, that a senator may only speak once to an issue, and you are now reviving a debate. There is no rule that you have cited which is being broken. You are disagreeing with another senator, which is perfectly in order, but not by raising a point of order.

Senator Cools: No, I am not.

The Hon. the Speaker: I am sorry, I cannot accept that as a point of order.

Senator Cools: Your Honour, I am not disagreeing. I am saying that the Chair needs to give some light, guidance and clarity to the questions that we are being asked to vote on here today. I am asking for the Chair's guidance.

The Hon. the Speaker: That is not the Chair's responsibility. There is a motion before us for the reading of a bill. There is also an amendment. Those are the questions before the Senate.

What has been said in debate is not an issue for the Speaker to determine. That is for honourable senators to determine in debate. The rules are clear that each senator is entitled to speak once on every issue, except the mover of the motion. I am sorry, I see no point of order. Unless you can cite a rule that has been broken, I am unable to accept your point of order.

Senator Cools: Very well. Honourable senators, what I am saying is that the committee stage is a stage in the progress of a bill where the bill is properly considered —

Senator Lynch-Staunton: What is the point of order?

Senator Cools: — and then the bill is brought forward to this chamber with a recommendation to vote for the bill as is, or not to vote for the bill as is, and to amend it.

What we have before us is a situation where the committee proceedings have now moved on with a recommendation from the committee to pass the bill without amendment. However, the deputy chairman of the committee has said subsequently that he does not support what is contained in this bill. That is not a question for debate between individuals; that is a question about what is before us.

Senator Lynch-Staunton: That is not a point of order!

Senator Cools: It is a point of order.

The Hon. the Speaker: I am sorry, Senator Cools, I fail to see a point of order in what you are raising. Honourable senators may change their minds, if they wish, on any issue. It is not for me to judge whether they are right in changing their minds or not.

The question before the Senate is clear: It is the motion by the Honourable Senator Bryden, seconded by the Honourable Senator Pearson, for the third reading of the bill, then an amendment motion by the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal. That is the question before the Senate. That question is open for debate. The honourable senator has not cited to me any rule that has been broken. Unless there is leave of the Senate, I cannot accept that you have a right to speak twice on the same subject.

Senator Cools: I am not attempting to speak twice. I know the rules very clearly.

Senator Lynch-Staunton: You are out of order!

Senator Cools: I am prepared to speak at third reading. If people do not wish to hear me, that is fine. I will vote against the bill, that is all.

The Hon. the Speaker: Honourable Senator Cools, it is not a question of honourable senators not wishing to hear you. All senators in this chamber have equal rights. There are no senators who have more rights than others. My role is to enforce the rules.

If a senator rises in this chamber and indicates that a rule has been broken, then it is my responsibility, at the request of the Senate, to determine whether or not that is so. However, there is no indication here of a rule having been broken. Therefore I am unable to accept your point of order, and I must proceed to the next senator who wishes to speak.

Hon. Landon Pearson: Honourable senators, I am rising today as a member of the Standing Senate Committee on Legal and Constitutional Affairs to contribute my thoughts to the debate on Bill C-40, and to explain why I will not be supporting the amendments proposed by Senators Grafstein and Joyal.

Senator Joyal made a fine speech last Thursday, and I have great respect for both Senator Joyal and Senator Grafstein, who have clearly brought forward their amendments on the basis of deeply held principles.

My concern, however, and the reason I am speaking today, is that the principles they are defending so eloquently are not the central principles of this legislation, the principles this house supported at second reading.

As Senator Cools said succinctly in her intervention last week, Bill C-40 is domestic legislation. The deplorable fact that certain American states continue to practice the death penalty, in spite of U.S. ratification of the International Covenant on Civil and Political Rights, is certainly relevant. However, a vote against the amendments is not, and cannot be seen as a vote for capital punishment.

The principles that underlie this legislation are the nature of the judicial and procedural conditions that must be in place in Canada before we extradite an individual to a requesting state or, as this legislation will permit for the first time, to an international criminal court or tribunal. I am satisfied that the bill as it currently exists details clearly what these conditions must be.

• (1430)

I am also satisfied that the minister's discretion, which causes Senators Grafstein and Joyal so much difficulty, is thoroughly circumscribed by the criteria listed in clause 47. These criteria include, in clause 47, that:

47. The Minister may refuse to make a surrender order if the Minister is satisfied that

...(c) the person was under the age of 18 years at the time of the offence and the law that applies to them in the territory over which the extradition partner has jurisdiction is not consistent with the fundamental principles governing the *Young Offenders Act*;

That means no death penalty for kids.

The minister's discretion is further subject to judicial review by a provincial court of appeal and, ultimately, the Supreme Court of Canada.

Up to now, none of the persons we have returned to a requesting state have been executed. Each year, we receive approximately 200 requests and extradite 30 to 40. This is a situation under the current legislation which allows ministerial discretion.

Furthermore, as a question of practical politics, leaving discretion with the minister, in my opinion, actually strengthens Canada's hand in bringing about changes in a requesting state's attitude to the death penalty. Without this discretion, Canada will not have a functioning lever at all.

The second point I wish to make concerning extradition to states that retain the death penalty is that, as far as I know, the inherent right to life has never been considered an absolute principle in law. Killing in self-defence, for example, is accepted as a legitimate defence — one life to protect another.

As Canadian parliamentarians, I believe we have a fundamental responsibility to protect our own citizens. I am convinced that the chances of making Canada a haven for the worst type of killer is a very real one if our Justice Minister has no discretion, and the message goes out that Canada is a safe place to be if one wants to avoid the consequences of a heinous crime. On behalf of my fellow Canadians, and particularly the vulnerable young, I am not willing to take that risk.

With respect to the second amendment, I have little to add to what Senator Fraser and others have said. I am not able to accept that there should be two judicial tracks for individuals living in Canada, no matter what crimes they have committed. The fact

that our record of prosecuting people successfully for war crimes has been poor in the past is not a sufficient reason for making it easier to extradite them now.

With the emergence of the new war crimes tribunals and the possibility of an international criminal court, the practice of collecting evidence at the time, or just after the crimes have been committed, is becoming more sophisticated and effective. This will make it easier in the future to prosecute. Furthermore, no matter what the outcome in terms of individual judgments, the process of trying individuals for alleged war crimes, I believe, has raised public consciousness in such a significant way that the trials themselves cannot really be considered failures of justice.

Finally, I should like to say a few words about the issues raised by Senator Cools yesterday. While it is true that the UN Security Council resolutions created the two existing war crimes tribunals, Canada, as a full and committed member of the United Nations, accepted those resolutions and has engaged itself in doing its best to make them an effective instrument of the world's revulsion against these crimes. The proposed international criminal court that is also referenced in the bill will come into being in a different way, as an international treaty. As such, I presume that there will be implementing legislation, which would, I think, be the ideal time to examine these issues related to international courts and tribunals in depth, rather than to do so in the context of this legislation.

I would also recommend that, sooner rather than later, one of our standing committees study the implications of our commitments under international laws and agreements at some length so that all of us may be better informed.

In the meantime, honourable senators, Bill C-40 is an important bill to modernize our procedures, to enable us to fulfil current obligations that we have undertaken as a supporting member of the United Nations, and to protect our own population. I urge you to support it without amendment.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Would the Honourable Senator Pearson entertain a question?

Senator Pearson: Of course.

Senator Kinsella: Senator, what is your view on the proceedings that are taking place, as we speak, at the United Nations Human Rights Commission, and in particular the resolution that might relate to this matter, which I understand will be decided upon on Friday of this week in Geneva?

Senator Pearson: I understand that there has been a good deal of negotiation and that the resolution currently being discussed would be in conformity with this bill. When it is over, I am hoping to hear from one of your colleagues.

Hon. Jeremiah S. Grafstein: Honourable senators, I hope that the Honourable Senator Pearson will allow me to ask questions dealing with her comments relating to the international tribunals and, in particular, her comment that it will be easier to extradite because it is now easier to collect criminal evidence.

Will my honourable friend accept the proposition that once we have established an international tribunal, as we have with respect to Yugoslavia and Rwanda when we ratified those two tribunals and approved their rules of evidence, this then becomes an extension of the law of Canada?

Senator Pearson: Honourable senators, that is not my understanding about what happens when we ratify a convention. I take all my experience from the Convention on the Rights of the Child. I am always told that when we ratify a convention, it does not immediately become part of Canadian law. It becomes embodied slowly into our law.

I am not sure how to answer the honourable senator's question. I am not an expert in these matters.

Senator Grafstein: By ratification, I am referring to Canadian legislation that incorporates, by reference, the international legislation of the treaty. My understanding is that when we pass a piece of domestic ratification legislation, we have incorporated it as the law of Canada.

I see Senator Nolin, who is a member of the Legal and Constitutional Affairs Committee, nodding his head in agreement.

Honourable senators, I assume I am correct in stating — and if I am incorrect, I am sure I will be corrected by many of my colleagues in this chamber — that we have incorporated, by reference, the rules of evidence by the international tribunal. We heard an interesting exposé of Senator Cools' views about international tribunals, which are not broadly shared by some of us. However, we now have incorporated in the international tribunals all of the elements of a fair trial, of cross-examination, and all of the elements in the Charter to protect the accused.

We have, in effect, two Charter codes. We have the Charter in Canada, and we have incorporated, by reference, all the Charter-like protections in the rules of evidence in international tribunals because we would not have ratified that treaty unless it conformed to the Canadian Charter of Rights and Freedoms. Would the honourable senator agree with that?

Senator Pearson: Honourable senators, I presume that would be the case. Such treaties would be assessed against the Canadian Charter of Rights and Freedoms, as we are obliged to do with every piece of legislation that passes before us. I do not believe any legislation has come before us related directly to the tribunal. My honourable friend has been here longer than I, so he would know whether it has or not.

Senator Grafstein: Honourable senators, I have been admonished by the Speaker that we are not to speak twice, so I will not impinge upon the rule.

Clearly, in this legislation — and we had this discussion yesterday — the international tribunal is an entity. We would not have made it an entity under this legislation unless we had ratified and accepted it as part of the law of Canada. Hence,

perhaps honourable senators could humour me by agreeing with me for the moment.

•(1440)

If I am correct, honourable senators, what we have established for people who are indicted for crimes against humanity is not one set of Charter protections but two; one in Canada and one in the tribunal. In effect, therefore, an alleged war criminal, or a person charged with crimes against humanity, has not one protection but two levels thereof: one at home and one overseas. That, in effect, is the logical conclusion of your argument. In other words, rather than making it easier to extradite, we will have, in effect, provided an endless immunity by using the Charter in a way in which it was never intended to be used to protect war criminals from coming quickly to justice.

Senator Pearson: I think I understand your question now.

I recently attended a conference at which an individual explained to me how he had collected evidence of what he considered to be a war crime committed in Ethiopia. A school had been bombed, and his evidence indicated that it was not accidental but, rather, deliberate genocide.

I was impressed that people and groups are now collecting such evidence, a thing which would not have been possible or thought about during the last world war. That is the point I was trying to make.

We hear about how people in Kosovo are carefully collecting the evidence of witnesses. I thought that would make it easier than trying people for crimes which took place 40 years ago.

Hon. Serge Joyal: I should like to ask the honourable senator a question.

I visited the honourable senator's Web site, and I should like to quote from it as follows:

In addition to my duties as a senator, I advise the Minister of Foreign Affairs on children's rights.

She goes on to say:

A good place to start is the UN Convention on the Rights of the Child — the most ratified international instrument in history.

She continues:

When Canada ratified the UNCRC, to what did it commit itself?

By ratifying the Convention in December 1991, Canada indicated its willingness to be legally bound by the Convention's principles.

I shall quote to you article 37 of the convention:

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhumane or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

This is the convention by which Senator Pearson feels we are legally bound.

The honourable senator quoted clause 47 of the bill. It states:

The Minister may refuse to make a surrender order if...

...the person was under the age of 18 years...

Is the honourable senator aware of a decision of the B.C. Court of Appeal dealing with a decision of the Minister of Justice of the time, the Honourable Allan Rock, to surrender two 18-year-old Canadians to the United States where they can be subjected to the death penalty? Is she aware that that decision of the Court of Appeal of B.C. is now under appeal?

I should like to quote a passage from the judgment of the Honourable Mr. Justice Donald. Paragraph 48 states:

[48] The age and nationality of the applicants should have been given the full measure of consideration. The Minister appears to be stating policies to hold back an imagined parade of fugitive murderers to Canada. In doing so he set too high a test for the application of Article 6 of the Treaty.

It is clear. Like the Honourable Senator Pearson, I believe that we are bound by the UN Convention on the Rights of the Children.

The Hon. the Speaker: Will the honourable senator please proceed to his question?

Senator Joyal: How does the honourable senator reconcile the commitment of the UN Convention on the Rights of the Child not to put to death a child under the age of 18 and clause 47 of the bill, which leaves that up to the discretion of the minister? The minister has exercised that discretion in the past, and one such decision was quashed by the Court of Appeal of British Columbia on June 30, 1997. How does the honourable senator reconcile those two positions?

Senator Pearson: On a point of clarification, the young people in the case in question were 18 when they committed the crime. The convention applies to people under the age of 18. Although that may be a very fine line, the distinction exists.

The Honourable Senator Joyal and I differ not so much on principle as on how these things work best. I believe that the provisions of the Young Offenders Act make it acceptable to give the minister the discretion. Senator Joyal thinks that the word

should be "shall" and I think it should be "may." That is a difference of opinion.

Senator Joyal: The honourable senator will understand that the difference between "may" in clause 47 and "shall" is life. In one case, the minister prevents the imposition of the penalty on people under the age of 18. Under clause 47, the minister "may."

The Hon. the Speaker: Honourable Senator Joyal, will you proceed to your question, please? I cannot allow you to continue with your comment.

Senator Grafstein: Rule 37(4) allows for questions and comments.

Senator Joyal: Would the honourable senator agree that a provision that would at least establish some parameters for citizens under the age of 18 would be a better assurance that we are serving the international covenant?

Senator Pearson: I believe that the assurances in the bill are adequate. That is where we disagree.

Senator Kinsella: Would the Honourable Senator Pearson share with us her view on the appropriateness of the ratification process that this country has fallen into over the last number of years? That process speaks directly to the issue with which we are faced here, which has been apprehended by our colleague Senator Joyal.

During the government of Prime Minister Mulroney, the UN Convention on the Rights of the Child was ratified by Canada. That ratification was the result of consultation between the provincial and territorial governments and the Government of Canada. Pursuant to the old labour conventions case, the Judicial Committee of the Privy Council of the U.K. ruled that that is how we had to operate when international obligations affected federal and provincial jurisdiction.

Does the honourable senator think that Parliament should be directly involved in the ratification by Canada of international treaties which lay upon us, under international law, these kinds of obligations, such that when a bill of this type is before us, we in Parliament know directly, because we were directly involved in the ratification process of the standard-setting?

Senator Pearson: That is a very interesting question. I have been thinking about that a lot myself, because one of my concerns for a long time has been the low awareness level about some of our international conventions. This would have been the case with the covenants and all the things that we have ratified. However, I am not an international lawyer so I do not know how those things must happen. I would need a great deal of advice in order to be able to answer that question.

●(1450)

I agree with the honourable senator. I think that the larger the number of us who know what is contained in these conventions, the more effective the conventions will be in relation to public attitudes. However, I do not know how to do that.

Senator Kinsella: Would the honourable senator share with us her expertise on the International Convention on the Rights of the Child, in particular with respect to the provision that the execution of a child is explicitly proscribed by the international convention? Is it or is it not explicitly proscribed?

Senator Pearson: Yes, it is.

Senator Kinsella: Is it not also true that in the Vienna conventions relating to international law compliance, Canada is bound by that general framework, as well as by the ratification of the conventions and the obligations that we have assumed? The Mulroney government ratified the UN Convention on the Rights of the Child. Consequently, is it not true that Canada has assumed direct obligation not to allow the execution of children by virtue of the children's convention? In addition, the Geneva Convention on the Application of International Treaty Law is accepted by Canada. Therefore, it is clear that Canada is obliged to take all necessary measures to ensure that capital punishment will not be executed upon children, is it not?

Senator Pearson: Honourable senators, I think the —

The Hon. the Speaker: Honourable senators, I should like to point out that the time has expired. Is leave granted for the honourable senator to continue?

Hon. Senators: Agreed.

The Hon. the Speaker: Please continue, Honourable Senator Pearson.

Senator Pearson: Honourable senators, when we ratified the convention, we certainly undertook that within the territory of Canada there would be no capital punishment of children under the age of 18.

The degree to which our obligations as signatories to the convention go in other countries is, again, a question of international law, with which I am not too familiar. When the United States ratified the Covenant on Civil and Political Rights, what did they do about the issue of capital punishment? The honourable senator would know more about that than I would.

Senator Kinsella: They stated a reservation.

Senator Pearson: The point that I have been trying to make with respect to Bill C-40 is that it is domestic legislation. I think the bill instructs the minister to take all necessary measures with respect to children under the age of 18. That instruction is found in clause 47(c). That is my view.

Senator Kinsella: I thank the honourable senator for that reply. Does the honourable senator accept that it is a Canadian value that is accepted in law, as well as philosophically, that capital punishment is an evil that Canadian society rejects?

Senator Pearson: Yes.

Senator Kinsella: How, then, can we justify clause 47 of this bill if our categorical value is that capital punishment is an evil?

Senator Pearson: Honourable senators, when combating an evil, you try to find a way in which you can influence the individuals, or the countries, or the states that are committing that evil, to change their minds. By taking away the discretion of the minister, we would remove from Canada any capacity to influence at all.

Like many women, I am rather pragmatic about these things. I would like to see Canada retain a capacity to argue and negotiate. My understanding is that in the cases that we have undertaken on extradition, that is what happens, namely, there is discussion between the parties. If there were no discussion, we would have zero influence on American attitudes toward capital punishment.

Senator Kinsella: What is the honourable senator's view as to the appropriateness of legislators consulting with judges on legislation?

Senator Pearson: Honourable senators, it is perfectly legitimate to have an *in camera* session, as we did when we sat on the Committee on Child Custody and Access. We also had an *in camera* session with judges. I thought that was entirely appropriate because we needed their advice, and so on. In a structured context of that sort, it was an entirely appropriate activity.

Hon. Lois M. Wilson: Honourable senators, my understanding is that the international covenants and conventions are not policy options to influence, but they are legally binding instruments. Furthermore, one of the jobs we must do is align Canadian law with the commitments that we have made internationally.

I have been told, for example, by the Dean of Law at McGill that Canadian courts, let alone our judges or the public, hardly ever invoke the UN covenants and conventions. They look upon them as policy options, not as legally binding obligations.

Is it not the job of legislators to pass legislation which will help reconcile domestic law with the legally binding law to which we have committed ourselves internationally?

Senator Pearson: Honourable senators, I think we have already done that with respect to the convention on the rights of the child. We have already done that with Bill C-27, which was the law about sex tourism, et cetera, in which we cited the preamble to the convention on the rights of the child.

I tend to agree that our judiciary and legal community, and so on, have been rather slow, overall, at incorporating and referencing our covenants and other obligations. Those of us who are concerned about this are making a great effort to raise awareness and knowledge. UNICEF has just produced an excellent text, aimed at lawyers and judges, and so on, on how to use the convention in domestic legislation.

As a legislator, certainly I have tried in those things in which I have been involved to reference that insofar as it is possible. The issue that we are talking about involves disagreement on the most effective way to promote or obligations. That is my position. In the general sense, however, it is something that we should be doing as much as possible.

Senator Wilson: Honourable senators, if it is obvious that we have done that with respect to the UN Convention on the Rights of the Child, why is it that we are unwilling to do it in this instance, knowing that law is a great teacher?

Senator Pearson: It is not appropriate in this particular instance, honourable senators. In the text, the minister is instructed that she must take this into consideration when she is asked to extradite. I do not see what you could put in the legislation itself. If you put in a preamble about all the conventions, which one would you single out? I do not quite agree with what I think is the implication of your question.

Hon. Joan Fraser: Honourable senators, would the Honourable Senator Pearson entertain two more questions?

Senator Pearson: Certainly.

Senator Fraser: First, I should like to read a passage from the draft resolution presented by Germany on behalf of the European Union to the United Nations Commission on Human Rights. It is quite a long resolution, and quite strongly worded, but the paragraph that interests us is paragraph five, which states that:

The Commission requests states that have received a request for extradition on a capital charge to explicitly reserve the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting state that capital punishment will not be carried out.

Given that that resolution is being put forward by the European Union, all of whose members, as I understand it, have abolished capital punishment and are strongly opposed to it, would that not constitute fairly strong recognition by the international community that there is, in law, discretion available in this matter? While we would all hope that the whole world would move towards the abolition of capital punishment, in the meantime reality must be taken into account.

•(1500)

Senator Pearson: Yes, Senator Fraser, I would agree with your understanding of what that resolution says. I would also state that I believe that Bill C-40 is in accord because we reserve the right, as it states, to refuse extradition.

Senator Fraser: My second question is a follow-up to Senator Grafstein's question about his second amendment; that is, his amendment on extradition to tribunals.

If I follow his argument, he is saying that because the tribunals have strong Charter-like protections, strong guarantees of judicial process, we therefore do not need to exercise full due process to people who are being requested for extradition to those tribunals, but we extradite to countries that also have very strong constitutional or other guarantees of due process. I think for example of the United Kingdom. As Senator Cools has reminded us, its common law system is a monument of civilization. France, and indeed the European Union countries in general, have such

guarantees. The United States, whatever we may think of its death penalties, has rock-ribbed guarantees of due process.

Would the senator comment on this question: If we accept that the mere existence of due process justifies fast-tracking, in that case ought we to fast-track to everyone instead of just to tribunals?

Senator Pearson: Honourable senators, I still feel very uncomfortable with the idea of two tracks. As we have described it here, it should be adequate. The fact that there will be double protections is great; so much the better. I just hope that the way in which people are able to garner evidence will be more effective than it was in the past.

However, that is a practical question for the prosecutors and the investigators rather than a question of procedure for us here in Canada. I just do not think we should fast-track a judicial process for one group of people, whatever they have done, in spite of the guarantees at the other end.

On motion of Senator Andreychuk, debate adjourned.

[Translation]

PRECLEARANCE BILL

THIRD READING

Hon. Rose-Marie Losier-Cool moved the third reading of Bill S-22, authorizing the United States to preclear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health.

She said: Honourable senators, I would like to address a few concerns raised during debate of this bill at second reading.

Bill S-22, the preclearance bill, would lay the legal groundwork for preclearance operations in Canada but, more important still, it would pave the way for new approaches to managing a border that sees some of the richest and most dynamic trade in the world and supports one of the largest bilateral air transportation markets.

Following the signing of the Open Skies Agreement between Canada and the United States, air traffic increased 31 per cent, and the number of non-stop flights to the U.S. increased to 84. Preclearance played an important role in achieving the objectives of the agreement. Preclearance allows American federal agencies to inspect within Canada travellers and goods destined for the United States.

The agreement on preclearance in air transportation reached in 1974 by the two countries made American preclearance services in Canadian airports official. In 1998, 9.3 million travellers passed through American preclearance. The preclearance bill was introduced to respond to three new facts that have arisen since the signing of the 1974 Agreement.

The 1982 Charter of Rights and Freedoms accorded Canadians new rights. The rapid increase in cross-border movement of people and goods requires border inspection services be adapted. Finally, technological progress makes it easier to target travellers at risk, to obtain prior information on passengers and to streamline procedures. The preclearance bill defines how Canadian law applies and sets out the rights and obligations of travellers, the power of American clearance officers and the information that airlines must provide.

In addition, it establishes a basis for reworking the agreements on border clearance of individuals and goods travelling by air and other means of transportation. It is an exceptional legislative text that accords the Americans a set of limited powers within the context of Canadian law.

The preclearance bill is designed to conform as closely as possible to the current provisions of the Customs Act and Canadian case law. Canadian sovereignty will be maintained in preclearance areas. The rights of travellers will be protected in these areas by the Charter of Rights and Freedoms, the Canadian Bill of Rights and the Canadian Human Rights Act.

[English]

U.S. officers will only be authorized to administer the civil components of U.S. laws that are directly related to the admission of travellers and the importation of goods to the U.S., while the application of these laws will be subject to Canadian law. U.S.-administered laws will apply to customs, immigration, public health, food inspection and plant and animal health. Any actions performed in a preclearance area that is criminal in nature will be dealt with by Canadian authorities.

Preclearance officers will be able to conduct frisk searches, detain passengers for transfer to Canadian authorities, examine and seize goods, and impose monetary penalties. They will not be allowed to conduct strip searches or more intrusive searches.

This bill represents roughly two years of negotiations with the United States government and a balancing act of marrying the legal regimes of our two countries. The border process involves civil, criminal and administrative enforcement. The preclearance scheme is a hybrid which allows the U.S. to enforce civil and administrative matters, with Canada enforcing criminal matters.

[Translation]

The Senate Committee on Foreign Affairs found that the bill has the support of the Canadian air industry. It has also recognized that the preclearance arrangement will be instituted with full reciprocity in the United States. Amendments have been made to the text in response to certain recommendations by the Canadian Bar Association.

Thus, one amendment was proposed relating to false statements. The dissuasive measure in this connection will now apply only to the traveller himself or herself, and not to third

parties that might be associated with the statements made by the traveller. The traveller must have made the false statement knowingly, and it will be punishable solely on summary conviction. Amendments have also been proposed in order to indicate clearly that the decision to detain or search a traveller cannot be made solely on the basis of his or her refusal to answer the questions asked.

[English]

•(1510)

We have also passed an amendment which will provide further assurance that Canadians' rights are not being compromised. That amendment requires that a review of the provisions and operations of the act be reported to each House of Parliament within five years.

[Translation]

Canada does not yet have any preclearance facilities in the United States, but the bill will not be enacted until the two countries have signed a reciprocity agreement.

In short, this bill is bringing our border into the 21st century, clarifies the powers conferred upon the U.S. authorities and protects the rights of travellers under Canadian law. Travellers arriving in North America from Europe and Asia will be better served. There will be greater consistency at the preclearance points, and at border crossings on both sides, with a view to controlling illegal activities.

[English]

The Hon. the Speaker: If no other honourable senator wish speak, I will proceed with the motion.

It was moved by the Honourable Senator Losier-Côté, seconded by the Honourable Senator Ferretti Barth, that the bill be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, since it is now close to 3:15 p.m., and committees are scheduled to sit this afternoon, I believe there is agreement on both sides of the chamber that we now adjourn.

The Hon. the Speaker: Is it agreed, honourable senators, to leave matters where they are and proceed to adjournment?

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 2 p.m.

CONTENTS

Wednesday, April 28, 1999

PAGE

PAGE

Visitors in the Gallery

The Hon. the Speaker 3175

ROUTINE PROCEEDINGS

Access to Information Act

Legal and Constitutional Affairs Committee—Report Cards of
Various Departments on Compliance with Response
Deadlines Tabled. Senator Carstairs 3175

Aboriginal Peoples

Royal Commission on Aboriginal Peoples—Budget Report of
Committee on Study Presented. Senator Watt 3175

Agriculture and Forestry

Notice of Motion to Authorize Committee to Refer Previous
Documentation on Study of Boreal Forest to Subcommittee.
Senator Taylor 3175
Present State and Future of Forestry—Budget Report of
Committee on Study Presented. Senator Gustafson 3176

QUESTION PERIOD

Canadian Heritage

Foreign Publishers Advertising Services Bill—Article in Press—
Possibility of Amendments—Government Position.
Senator Lynch-Staunton 3176
Senator Graham 3176

Cape Breton Development Corporation

Closure of Mines—Proposed Changes to Pension Plan—
Effect on Eligibility of Employees. Senator Murray 3177
Senator Graham 3177
Closure of Mines—Responsibility for Environmental Clean-up—
Government Position. Senator Murray 3177
Senator Graham 3178

National Revenue

Canada Customs and Revenue Agency—Location of
Headquarters—Government Position. Senator Murray 3178
Senator Graham 3178

National Defence

NATO Conflict in Yugoslavia—Responsibilities of Chief of
Defence Staff. Senator Forrestall 3178
Senator Graham 3178
Search and Rescue—Possible Risks in Discharging Fuel from
Labrador and Sea King Helicopters. Senator Forrestall 3179
Senator Graham 3179
NATO Conflict in Yugoslavia—Deployment of Ground Troops
in Peacekeeping Initiative—Responsible Authority.
Senator Andreychuk 3179
Senator Graham 3179

North Atlantic Treaty Organization

Conflict in Yugoslavia—Deployment of Ground Troops—
Possible Vote in Parliament—Government Position.
Senator St. Germain 3179
Senator Graham 3179

Canada—United States Relations

Loss of Favoured Exemption from International Traffic in
Arms Regulations—Possible Trade Dispute—Effect on
Military Cooperation. Senator Nolin 3180
Senator Graham 3180

ORDERS OF THE DAY

Extradition Bill (Bill C-40)

Third Reading—Motions in Amendment—Debate Continued.
Senator Cools 3183
Senator Pearson 3184
Senator Kinsella 3185
Senator Grafstein 3185
Senator Joyal 3186
Senator Wilson 3188
Senator Fraser 3189

Preclearance Bill (Bill S-22)

Third Reading. Senator Losier-Cool 3189

Business of the Senate

Senator Carstairs 3190



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(HANSARD)

Thursday, April 29, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



CONTENTS

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THE SENATE

Thursday, April 29, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

VÁCLAV HAVEL PRESIDENT OF THE CZECH REPUBLIC

ADDRESS TO MEMBERS OF THE SENATE AND
THE HOUSE OF COMMONS TABLED AND PRINTED AS APPENDIX

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I ask that the address of His Excellency Václav Havel, President of the Czech Republic, delivered to members of both Houses of Parliament earlier this day, together with the introductory speech by the Right Honourable Prime Minister of Canada and the speeches delivered by the Speaker of the Senate and the Speaker of the House of Commons, be printed as an appendix to the *Debates of the Senate* of this day.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(For text of speeches see appendix, p. 3213.)

SENATORS' STATEMENTS

ALBERTA

CONDOLENCES ON SHOOTING TRAGEDY AT
W.R. MYERS HIGH SCHOOL IN TABER

Hon. Joyce Fairbairn: Honourable senators, an atmosphere of shock, bewilderment and deep sorrow hangs over my area in southern Alberta today as families, students and friends try to cope with the tragic shooting which took place yesterday at W.R. Myers High School in the community of Taber.

A young man with a rifle shattered the calm of this small prairie town when he entered the school, consumed with anger and his own demons, and shot two students before being disarmed and taken into custody. We do not know his name because he is only 14 years old, which places him within the purview of the Young Offenders Act.

We do know that Jason Lang, 17, is dead. Today, his father, who is minister of the Anglican Church in Taber, told a press conference of the loving home in which Jason had grown up and

how no one will ever know the effects of his death on the lives of his family forever.

We also know that Shane Christmas, also 17 years old, is severely injured and is described as being in serious condition in the intensive care unit of the Lethbridge Regional Hospital.

To all these families, the prayers and sympathy of those of us who sit in this place are taken for granted.

Taber is just 30 miles down the highway from my hometown of Lethbridge. It is a warm, attractive, family-oriented place. It has a population of some 7,200 people. There is a strong sense of community strength and friendship in Taber, as there is in the other wonderful small communities in our rural area.

Many of you may recall how often in the past I have referred to the sugar beet industry in southwestern Alberta. Taber is where the beets are processed. Taber is where the farmers grow the best sweet corn in the world, where the cowboys put on a great summer rodeo, where literacy is important, and where young people receive a good education in the schools to start their lives. Taber is a safe community. That peaceful image was blown away by the events of yesterday.

Comparisons are already being made to the horrible events last week at Columbine High School in Littleton, Colorado. Debates are heating up about the issue of gun control. There is much speculation about the boy who used the gun, and what drove him to do it. He was a loner; he was not popular; he was teased; he left school to study at home. Perhaps we shall never know the whole story of what was not supposed to happen in a place like Taber.

●(1410)

Honourable senators, think of your own communities. In Canada, it is "not supposed to happen" in any one of them. While we are always overwhelmed by these events and we look outward for someone to suggest a solution and a reason, I suggest that all senators in this chamber must look inward and realize that there is vulnerability in every community in our land, be they urban centres or small prairie towns. We, as individual citizens and senators, must learn how to read the signs from our young people.

We must also realize that the young people of our country are facing a process of growing up that we did not face. They have influences in their lives that may be difficult for us to understand. However, only through soul-searching in order to understand and identify what makes a "loner" and a child desperate will we be able to offer true sympathy and support. That is what is happening today in Taber.

Last night, the media said that Taber was different from Littleton because the citizens were not out in the streets; they were not at the school; they were not rushing to the school with flowers. Honourable senators, Taber is different. Taber is small; it is strong; it is nourishing; it is at the heart of what makes this country so special. This has happened to Taber, and our heart goes out to every student, every citizen, and particularly those families who have experienced a loss and injury, and who are in anguish today.

I would hope, honourable senators, that as others conclude their remarks today, we would be able to put them together in a special form of Hansard, as we do on other occasions, so that the school, those families and that small town in southwestern Alberta will know that we are thinking about them, that we care, and that we are sharing their anguish.

Hon. Ron Ghitler: Honourable senators, I rise to echo the eloquent remarks of Senator Fairbairn with respect to this tragedy that has occurred in her community.

I have visited the Taber area on many occasions, and it is exactly as Senator Fairbairn describes. It is really the essence of small-town Alberta and rural Canada. The people there are God-fearing, loving individuals who raise their families in the best traditions of our country. I can just imagine the grief that exists in that community today after suffering through such a horrendous experience.

Now is really not the time to enter into debate and discussion as to the whys and wherefores of the actions of an individual whose mind could lead him to the sort of situation that we experienced in the school at Taber yesterday, nor is it the time to deal with the complexities of what caused trench-coated, gun-bearing, bomb-laden young people to perpetrate the tragedy in Colorado last week. Now is the time to understand the frailties that exist in our school systems and amongst our youth. Now is the time to understand, as Senator Fairbairn has stated, the difficulty of growing up, the difficulty of being rejected and the difficulty of trying to keep pace with and be part of a community when, all too often, they find themselves rejected and responding in ways that were hitherto unimaginable.

Now is the time to come forward, as senators, to share in the grief of the community of Taber so that the families and the community at large will know that we sympathize with them, in the hope that tragedies like this will never happen again in this wonderful country.

Hon. Nicholas W. Taylor: Honourable senators, I, too, wish to add a word or two about this tragedy.

I was born just 30 miles from Taber. Taber has always had a God-fearing background. The name itself supposedly comes from the first syllable of the word "tabernacle," relating to the Mormon missionaries who came from the south. Others thought the name of the town came from a CPR employee who misspelled Mount Tabor, which is contained in the Old Testament. Nevertheless, it is a good town, and a good place to raise a family.

I have nothing to add to what my two colleagues from Alberta have already stated about the quality of life and the quality of people in Taber. However, it is interesting that about one week after I commented on the violence in Colorado, where the President of the United States said that our youth must learn to solve their differences without violence, we hear news about how we are using violence to solve our differences in Kosovo and in Europe. It will be difficult to teach our children not to use violence if we, ourselves, feel that violence can often be used as a solution and a cure. Perhaps violence can be used to teach lessons, as some of our international organizations encourage. How we separate the message that we are giving to the world from the message we want to give to our children will be a great challenge.

I called other legislatures today before making this statement. In other legislatures where I have served, the Speaker was always able to write a note on behalf of the legislative body in a case like this. I would appeal to our Speaker to find some way of extending the sympathy and condolences of this legislative body to the parents and people of Taber. It would be greatly appreciated.

The Hon. the Speaker: Honourable senators, in response to the comment by the Honourable Senator Taylor and the request from the Honourable Senator Fairbairn, a transcript will be made of today's statements on this matter.

THE SENATE

TIME-LIMITS ON SPEECHES AND SENATORS' STATEMENTS— ADHERENCE TO RULES

Senator Lois M. Wilson: Honourable senators, I wish to address an issue within the Senate that has intrigued me ever since I was appointed last June. It concerns the matter of the time-limit on speeches. I have spoken to senators on both sides of the chamber, and I have support from a number of individuals who are yet reluctant to address the issue for various reasons, perhaps because of their relationship to others across the chamber. However, I have no such qualms.

Rules are meant to guarantee a level playing field, and the *Rules of the Senate* are clear. The Speaker cannot be faulted for enforcing them expertly, but there are two rules in particular to which I wish to refer. The first is rule 22(6) under "Senators' Statements," which says that interventions shall be limited to no more than three minutes. However, a senator may then seek leave to extend his or her remarks, and leave of the Senate means leave granted without a dissenting vote. In practice, that is very often cast so that one can continue. However, if another senator says "no" it leaves some resentment. More important, it creates an uneven playing field.

The other rule is 37(4), which says:

...no Senator shall speak for more than fifteen minutes —

— and I underline this next part —

— inclusive of any question or comments from other Senators which the Senator may permit in the course of his or her remarks.

● (1420)

That really means 10 minutes plus comments and questions. Some people actually time their speeches; they are somewhat at a disadvantage because they have much more to say. Others go on for 30 or 45 minutes, and they do not realize that their speeches are counter-productive because your attention does drift and you think about other things.

Generally speaking, I have found the Senate to be a relaxed place. However, I sometimes wonder whether we have among us some frustrated preachers who simply cannot bear to stop. There are no limits set by the clock.

I urge honourable senators to exercise some discipline in their observation of the rules, mainly because if one goes on too long, that excludes others from speaking. That robs them of a timely opportunity, perhaps, when they might have something significant to say. It also makes for extra long days. Having said that, I hope a word to the wise is sufficient.

THE HOMELESS

POSSIBLE CLOSURE OF CENTRE IN OTTAWA

Hon. Francis William Mahovlich: Honourable senators, today I should like to speak on homelessness.

On Tuesday, April 22, 1999, I visited the Anglican Social Services Centre at 454 King Edward Avenue here in Ottawa, where I met with approximately 200 homeless people. They invited me there in order to honour my hockey career, as well as my appointment to the Senate.

During our discussion, they asked me if there was some way in which I could help them, and I asked the following question:

Is homelessness a federal problem?

Their answer:

It is everyone's problem, Frank.

Honourable senators, the problems of the homeless are increasingly apparent. The Prime Minister agrees that it is the responsibility of everyone, including the municipal, provincial, territorial and federal governments, as well as communities, to seek solutions to this major concern in order to reduce homelessness. To this end, he recently appointed the Honourable Claudette Bradshaw to coordinate the government's activities in relation to Canada's homeless.

Centre 454 is in the basement of St. Alban the Martyr Anglican Church, and has been in operation for 22 years at the

same location. They have just been advised that they must leave the premises in a few months. The director of this centre is Mrs. Mary-Martha Hale. She feels that they should stay in the same area, as most homeless people roam the streets surrounding the centre. Mrs. Hale has worked hard and has proven to be dedicated and relentless in her efforts to help the homeless. My wife, Marie, and I are both very proud of her and her accomplishments. Approximately 30 years ago, Mrs. Hale helped baby-sit our children.

Mrs. Hale and her group of homeless need our help and support to continue the operation of the centre's various programs. Since my meeting with the homeless people at the centre, I spoke to the Honourable Claudette Bradshaw and she told me that she would meet with Mrs. Hale, for which I was thankful. I know there are problems throughout Canada, and in particular in Toronto. I know that the mayor of Toronto has approached the government and asked them, "Where is the money?" He will be approaching us shortly and embarrassing the federal government into providing moneys for the homeless of Toronto.

Back in 1967, when we won the championship at Maple Leaf Gardens with the Toronto Maple Leafs, we used to parade down the streets. This year we closed Maple Leaf Gardens. On our way down to the new arena, I saw approximately 20 or 30 of these homeless people bedding down for the night on top of sewers and manholes.

Honourable senators, I can assure you that homelessness is on the increase. I ask honourable senators to speak out, and help in any way possible, so that we can support and continue to operate these centres and various other programs.

[Translation]

NATIONAL YOUTH ACHIEVEMENT AWARDS

Hon. Pierre Claude Nolin: Honourable senators, I join all my colleagues who have spoken in expressing my dismay at the tragedy that occurred in Taber, Alberta.

I am saddened by the tragedy, but we must also look to the future. We should look to the success of Canada's youth. Our pages are fine examples.

Yesterday evening, the Speaker of the House of Commons marked in a special way the National Youth Achievement Awards, which are distributed to young Canadians of all ages. I saw a young man of eight who was honoured for his bravery in this event. These 30 Canadians make me look to the future with optimism and love.

I would have hoped some of my colleagues might attend this event. These young Canadians made considerable efforts into a variety of fields, including sports — our colleague Senator Mahovlich is a shining example in this field — and science. For instance, two 17-year-old Canadians developed computer software to enable people in remote communities to send their electrocardiogram to their physician. Incredible!

Just as the Taber, Alberta, tragedy saddens us and obliges us legislators to come up with solutions, however small, for such tragic situations, so we must look to the future with optimism and encourage young Canadians who do succeed, as these 30 Canadians did so brilliantly.

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Thérèse Lavoie-Roux: Honourable senators, I have the honour to introduce Bill S-29, to amend the Criminal Code (Protection of Patients and Health Care Providers).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Lavoie-Roux, bill placed on the Orders of the Day for second reading at the next sitting of the Senate, Tuesday, May 4, 1999.

[English]

•(1430)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE AND COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLIES IN PARIS, FRANCE— REPORT OF CANADIAN DELEGATION TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table in both official languages the report of the Canadian delegation of the Canada-Europe Parliamentary Association to the meeting of the Bureau of the Organization for Security and Cooperation in Europe Parliamentary Assembly and the Council of Europe Parliamentary Assembly held in Paris, France on March 5, 1999.

QUESTION PERIOD

NATIONAL DEFENCE

CONFLICT IN YUGOSLAVIA—ALLEGED USE OF CHEMICAL WEAPONS AGAINST KOSOVO LIBERATION ARMY— SUPPLY OF PROTECTIVE CLOTHING AND TRAINING FOR CANADIAN TROOPS

Hon. J. Michael Forrestall: Honourable senators, yesterday there were reports in the British press that Yugoslav forces were

using chemical weapons against the KLA. Does the minister have any information which might confirm or reject this?

Will the Canadian Forces personnel to be deployed to Macedonia receive the latest in chemical warfare protective clothing and, as well, the additional training necessary to make that equipment fully functional?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware of the use of chemical warfare weapons. I have been assured by the Department of National Defence that our Armed Forces personnel to be deployed to that area will be equipped for any eventuality.

Senator Forrestall: Honourable senators, by way of a supplementary question, I heard on the BBC a report that Yugoslav forces had been accused of firing frog missiles at KLA camps in Macedonia and Albania.

Can the minister confirm these reports? In particular, if they are true, could he indicate whether they were chemical or explosive-type missiles?

Senator Graham: I regret, honourable senators, that I do not have that information.

CONFLICT IN YUGOSLAVIA—RESPONSIBILITY OF GROUND TROOPS IN PEACEKEEPING INITIATIVE

Hon. A. Raynell Andreychuk: Honourable senators, I return to my question of yesterday about the deployed 800 peacekeepers who may be utilized in Kosovo, should there be an end to the difficulties there.

Canada has made statements that we will follow the action of NATO and, of course, we are part of NATO. Could the Leader of the Government in the Senate advise whether Canadian peacekeepers will have more discretion and be better armed than they were when they entered the Bosnian situation?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it is my understanding that our Armed Forces personnel would have the most up-to-date equipment available.

Senator Forrestall: Stonewalling now, eh?

Senator Andreychuk: My question is not on up-to-date equipment. It is a question about the discretion that they will be given within that situation. If we are not supporting a separation of Kosovo, we are talking about either an autonomous region or an integration into the whole country. If the refugees move back they will be living shoulder to shoulder with other people who are there now. That will not be an easy situation, as Bosnia was not an easy situation. In my opinion, our peacekeepers there have a limited mandate and could not fulfil their roles adequately.

Will the Leader of the Government ensure that this will not be repeated in the Kosovo situation?

Senator Graham: Honourable senators, our Armed Forces will have the mandate to defend themselves as well as the refugees.

CONFLICT IN YUGOSLAVIA—DEPLOYMENT OF GROUND TROOPS—
STATEMENT BY CHIEF OF BRITISH DEFENCE STAFF—
VOTE IN PARLIAMENT—GOVERNMENT POSITION

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. Yesterday, General Sir Charles Guthrie, Chief of British Defence Staff, confirmed that Canada will be providing combat engineers to NATO's combat ground troop deployment. However, a previous press release from the Prime Minister's office stated that if there is a NATO request to deploy Canadian troops in combat, the House will be consulted before any final decision is made.

Would the Leader of the Government in the Senate confirm or deny the statement of the British Chief of Defence Staff?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I stand by the statement of Prime Minister Chrétien. Namely, if our Armed Forces were to be deployed for any other reason than peacekeeping, Parliament would be consulted.

Senator Stratton: Honourable senators, what about that quote of General Sir Charles Guthrie, the Chief of British Defence Staff? Was he misquoted when he stated that our troops would be used in combat? How do we rationalize that?

Senator Graham: Sir Charles Guthrie has made his statement in his capacity as the Chief of British Defence Staff but he is not speaking for Canada, nor is he speaking for NATO. A decision in that respect has not been taken by our NATO allies.

CONFLICT IN YUGOSLAVIA—DEPLOYMENT OF GROUND TROOPS
IN ACTIVE SERVICE—BENEFITS OF VETERANS STATUS

Hon. Terry Stratton: Honourable senators, if these ground troops, who you say are there to handle non-combat issues, are exposed to bodily harm or death for whatever reason, are they covered by the War Veterans Allowance Act? Are they protected by that?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, they are covered by all of the measures that would be ordinarily available for anyone on active duty.

CAPE BRETON DEVELOPMENT CORPORATION

CLOSURE OF MINES—MEETING BETWEEN PRIME MINISTER
AND UNITED FAMILIES OF CAPE BRETON—REQUEST FOR UPDATE

Hon. Lowell Murray: Honourable senators, yesterday the delegation representing the United Families of Cape Breton met with Prime Minister Chrétien. That meeting, we are told, had been organized by the Leader of the Government in the Senate.

Would the Leader of the Government tell us what undertaking, if any, the Prime Minister gave to these women concerning government consideration of their proposal regarding the pensions and related matters that were announced by the government for the Devco miners in January?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would not want to speak for the Prime Minister, except to say that the Prime Minister indicated that he had already received most of their material. He, appropriately, accepted and gave an undertaking to consider the presentations that they had given to others yesterday.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FISHERIES COMMITTEE—
STATUS OF BUDGET TO TRAVEL—REQUEST FOR INFORMATION

Hon. Gerald J. Comeau: Honourable senators, my question is addressed to the Chairman of the Internal Economy Committee.

Back in March, I submitted a budget on behalf of the Fisheries Committee to hold some hearings on the West Coast, after a number of invitations from various groups on the West Coast, including the Coastal Communities Network.

The chairman of the Internal Economy Committee responded in writing that they were not prepared to consider any budgets until all budgets could be examined and acted upon at the same time.

I subsequently learned, in the past few days, that while the Internal Economy Committee did look at a certain number of budgets, the Fisheries Committee budget was not even considered during the process. Is this what we are to expect now? Given what we have had from the government over the past few years, can we now expect similar treatment from the Internal Economy Committee?

Hon. Bill Rompkey: Honourable senators, high priority is still being given to the Fisheries Committee. Far be it from me, bearing in mind where I come from, to give anything but a high priority to fisheries.

Having said that, there is a budgetary process. We have re-established three subcommittees within the Internal Economy Committee. One of those subcommittees is on budgets. These subcommittees existed previously when the honourable senator's party formed the government, but they have not been used for some years. We have reinstituted them now because we think this is an effective and efficient way to proceed.

• (140)

Having said that, the subcommittee on budgets has reviewed all of the budgets and it is true that some budgets have been approved. The reason for that is timing. Some of those committees have to report by June.

Senator Bryden, who chairs the subcommittee on budgets, called together all the chairs of all the committees. He outlined two imperatives: first, all committees must be able to do the job that they do as best they can; second, bear in mind our responsibility to keep our own Senate budget within some reasonable control and parameters.

Given those two imperatives, Senator Bryden discussed the issue with all of the chairs, and they subsequently reported their budgets. He and his committee decided that it was important for some of those budgets to go ahead immediately because some of them had to report by June. That is not to say that other committees will not be considered, far from it.

My understanding is that the Fisheries Committee had graciously decided that it could, perhaps, put its hearings off to the fall. If that is the case, and I hope it is, then it would give us more time to re-examine our funds and perhaps to respond in a more positive way. In any case, all committee budgets are being considered and all of them will be treated fairly.

Senator Comeau: Honourable senators, I suggest that reality reflects quite the contrary. What choice did the Fisheries Committee have when we were told that our committee budget was not to be reviewed? It is in writing, and I have the letter if you want to see it.

What choice did we have but to cancel the hearings on the West Coast? As Honourable Senator Rompkey knows well, you cannot plan a trip based on fisheries at any old time of the year. There are fishing seasons and there are times that are not appropriate for travelling to certain fisheries areas. As he is from Newfoundland of long duration, I know that the Honourable Senator Rompkey is aware of that.

The honourable senator referred to the chairman of the subcommittee having met with various chairmen. I was advised the day before that, that there would be a meeting the next morning, not to discuss the budgets, but to discuss the new process by which the budgets would be looked at. However, that was not the case.

Apparently what happened was that the subcommittee decided to look at a certain number of budgets. Among them was the budget of the powerful Banking Committee that is always mentioned in the newspapers. I would ask the chairman of the Standing Committee on Internal Economy, Budgets and Administration to return to his roots and attach the kind of importance to fisheries that it should have in this Senate.

Hon. Raymond J. Perrault: Honourable senators, as someone from the West Coast, I join in the statement made by the chairman of the Fisheries Committee, who is from another party. We are facing, honourable senators, a crisis situation in the fisheries on the East Coast and on the West Coast and we must demonstrate that we are concerned with this problem.

Some Hon. Senators: Hear, hear!

IMMIGRATION

CONFLICT IN YUGOSLAVIA—REFUGEES FROM KOSOVO— CRITERIA FOR POLICY ON ADMITTANCE TO CANADA— GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate regarding the plight of the Kosovar-Albanians, who have been expelled and removed from their homes and are located currently in Macedonia, Montenegro, Albania and elsewhere. About 10 days ago there was a discussion that Canada would receive 5,000 of these persons. There was then an intervention by the United Nations High Commissioner for Refugees.

Could the honourable minister outline in a general way the policy of the Government of Canada on the issue of these displaced persons?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the situation in the refugee camps is at a critical stage. The United Nations High Commissioner for Refugees has described the camps as being at a breaking point. The honourable senator mentioned Macedonia, Montenegro and Albania. It is particularly critical, as I understand it, at the camps in Macedonia.

Having said that, the United Nations High Commissioner has not asked non-European countries such as Canada, the United States or Australia to activate their plans to provide temporary safe havens for large numbers of refugees. Canada continues to process refugees on a family-reunification, special-needs basis. The first of these families arrived in Canada on Monday. I understand that 45 more people are arriving today. Canada's Minister of Immigration will be in touch with the United Nations High Commissioner on Refugees later this day.

Canada stands ready to accept 5,000 refugees. I indicated earlier that we were ready to receive refugees at various bases in Canada on 72-hours' notice. I understand that military bases such as Winnipeg, Trenton, Valcartier, Greenwood, and a camp in New Brunswick have been considered and would be ready to accept up to 5,000 refugees.

There was an article in one of the newspapers today indicating that this program to receive refugees was now back on. That was not accurate. The Minister of Immigration will be in touch, if she has not already done so, with the United Nations High Commissioner for Refugees indicating that Canada is still ready to accept 5,000 refugees, and she will probably have more up-to-date news later today or certainly tomorrow.

While I am on my feet, several questions were asked in relation to the Coyotes and other equipment being used in Kosovo by our Canadian Forces. I questioned whether or not it would be possible for honourable senators to see the kind of equipment that would be used. Interest was expressed in the other place on this particular point as well.

I was informed just before coming to the Senate at two o'clock that for those interested in seeing the kind of equipment that will be used by the Canadian Forces, a bus will be leaving from the west door for the drill hall, which is close by Parliament Hill, at approximately three o'clock. For those who are interested, it is an excellent opportunity to see the kind of equipment that will be used by our Armed Forces.

Senator Kinsella: Honourable senators, on the latter point, I wish to express the appreciation of those on this side for that kind of initiative to keep members of this house informed and as up-to-date as we can be on the technical side of things. It is appreciated.

●(1450)

Honourable senators, I wish to return to the humanitarian question, and the matter of the 5,000 refugees that Canada had indicated it would receive from among those Kosovar Albanians who have been displaced.

I am curious to learn what criteria were used when the government developed that policy. How was the number of 5,000 arrived at? It seems to me that when that number was announced, the number of Kosovar Albanians known to have been removed from their homes was much less than the number who are displaced today.

What criteria did the government use a few weeks ago to come up with the number of 5,000? If those same criteria were applied today, would 5,000 still a realistic number?

Senator Graham: Honourable senators, I do not think that 5,000 was a limit. I believe that the number of 5,000 was agreed upon after the first assessment was made with respect to the availability of accommodations in Canada. It was obviously arrived at after discussions between the Minister of National Defence, the Minister of Immigration, and the United Nations High Commissioner for Refugees on what a fair number would be for Canada to take.

I would not want to suggest that that is a maximum number. I am sure that if the High Commissioner for Refugees were to ask that that number be increased because of the tragic circumstances that surround the situation, Canada would be open to further discussions.

Senator Kinsella: Honourable senators, I have a final supplementary question on this point. Is the Government of Canada being proactive and establishing for itself the number of displaced Kosovar Albanians we would take, or are we simply, once again, being reactive and responding to requests of other organizations, this time the United Nations High Commissioner for Refugees?

Do we have a policy objective or do we simply respond to requests made by others based upon their policies?

Senator Graham: Very much to the contrary, honourable senators. My understanding is that the call of Canada's Minister of Immigration and the United Nations High Commissioner for Refugees was initiated by the Canadian Minister of Immigration. She is very active on this file.

ENVIRONMENT

IMPACT ASSESSMENTS AND SAFETY TRANSPORTATION PRECAUTIONS ON CROSS-BORDER SHIPMENTS OF PLUTONIUM AND MOX FUEL—GOVERNMENT POSITION

Hon. Mira Spivak: Honourable senators, the Americans are conducting an environmental assessment and notifying communities along the proposed transport routes that MOX fuel, supposedly coming from Russia and the United States, will be shipped. Canada has not conducted any environmental impact assessments of the proposed tests or of the plans to ship the plutonium by truck through regions of Canada, including the City of Winnipeg.

As reported by the *Canadian Press* on April 23, a secret meeting on transporting plutonium through Nova Scotia was scrapped after it became public knowledge. Apparently the meeting was organized to train fire chiefs and emergency measures personnel in how to handle MOX fuel in an emergency.

What assurances can the Leader of the Government in the Senate give us that the government will follow environmental assessment and safety transportation precautions as rigorous as those the Americans are applying? By the way, the Americans have said that this is Canada's responsibility. They are not taking any responsibility for it.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I have asked that same question myself and have been assured by those responsible that every precaution will be taken.

Senator Spivak: Honourable senators, I have a supplementary question. The House of Commons Standing Committee on Foreign Affairs and International Trade has already given serious thought to the issue of the effort to dispose of plutonium from surplus weapons. In addition to calling the idea of burning MOX fuel in Canada totally unfeasible, the committee effectively recommended that Canada withdraw from even the proposed test burn later this year at AECL's Chalk River facility. In addition, both the United States and Russia will be left with huge stockpiles of plutonium. It has been suggested in the press that we might be getting fuel from domestic use, not fuel used for any military purpose.

I understand that all witnesses who appeared before that foreign affairs committee were in agreement. How does the government reconcile going ahead with the tests in Chalk River and the recommendation of the House Foreign Affairs Committee?

Senator Graham: Honourable senators, a similar question was asked by Senator Wilson the other day. I understand that the Deputy Leader of the Government will be tabling an answer to that question as soon as Question Period is finished. I would not want to pre-empt the Deputy Leader nor the answer to Senator Wilson's question. A copy of that answer will be sent to Senator Spivak as soon as it is tabled.

NATIONAL DEFENCE

NATO FORCES IN YUGOSLAVIA—DEPLOYMENT OF COMBAT ENGINEERS—GOVERNMENT POSITION

Hon. Pierre Claude Nolin: Honourable senators, I should like to return to the question my colleague Senator Stratton raised about combat engineers. I want to ensure that I understand the answer given by the Leader of the Government in the Senate.

Did he say that no combat engineers will be sent to join the British contingent in the Balkans?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, no, I did not say "combat engineers." The Armed Forces that are being sent to the Balkans are being deployed specifically for peacekeeping purposes.

Senator Nolin: There will be many combat engineers in that Canadian contingent, will there not?

Senator Graham: There will be many engineers. I do not know that they are being deployed as combat engineers. They are being deployed as peacekeeping engineers at the present time.

Senator Nolin: However, the leader would not be surprised if the Minister of National Defence used the expression "combat engineers"?

Senator Graham: Honourable senators, a soldier is a soldier, and the role of a soldier is defined by his or her responsibilities; whether in a peacekeeping role or a peacemaking role. I have made it clear on many occasions, and I repeat again today, that the only mandate the Armed Forces have at the present time is to deploy up to 800 of our Armed Forces personnel for peacekeeping purposes.

[Translation]

HUMAN RESOURCES DEVELOPMENT

MILLENNIUM SCHOLARSHIP FUND—IMPASSE IN NEGOTIATIONS WITH QUEBEC—REQUEST FOR FACILITATOR— GOVERNMENT POSITION

Hon. Jean-Claude Rivest: Honourable senators, Minister Pettigrew is refusing to speak to Quebec's Minister of Education about the millennium scholarships. This is a matter of very great interest to the students of Quebec. With this impasse in Quebec, negotiations with the other provinces are suffering.

Yesterday, in the National Assembly, the leader of the Quebec Liberal Party, Jean Charest, with the agreement of the Premier of

Quebec, Mr. Bouchard, took the initiative of asking the Government of Canada to appoint a special negotiator.

Could the Leader of the Government ask the Minister of Human Resources Development whether he has received this joint proposal from the Premier of Quebec and the Leader of the Opposition in the National Assembly to appoint a mediator so that negotiations can begin as soon as possible?

The Administrative Secretary of the Millennium Scholarship Foundation, Mr. Riddell, has already indicated that the absence of an agreement with the government at the outset of 1999 could compromise students' eligibility for scholarships.

It is in the interests of all students in Quebec that this measure be adopted, even if its legitimacy is still being contested. Could the leader check with his colleague?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the answer is yes. I wish to assure the honourable senator that we agree that Quebec students should not be penalized under any circumstances. They should have the same opportunity as students in any other part of the country.

I brought this matter directly to the attention of Minister Pettigrew after Senator Rivest's interventions. Minister Pettigrew assured me that he was prepared to provide a facilitator to resolve this issue between the Government of Quebec and the foundation. As honourable senators know, the Millennium Scholarship Foundation operates at arm's length from the federal government, but the minister is prepared to provide a facilitator to find a resolution.

DELAYED ANSWER TO ORAL QUESTION

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on April 21, 1999, by the Honourable Senator Lois M. Wilson, regarding the recommendation by the House of Commons standing committee against the burning of MOX fuel.

ENVIRONMENT

RECOMMENDATION BY HOUSE OF COMMONS STANDING COMMITTEE AGAINST BURNING OF MOX FUEL— GOVERNMENT POSITION

(Response to question raised by Hon. Lois M. Wilson on April 21, 1999)

In responding to the Committee report, the Government has underlined its commitment to nuclear non-proliferation initiatives. The commitment to consider allowing the use of MOX fuel in Canadian nuclear power reactors, if requested, has been made in that context.

The Standing Committee recommendation asserted that the use of MOX fuel in Canadian reactors is not feasible. In fact, MOX fuel is used in nuclear power reactors in several countries in Europe. The testing planned at the Chalk River research facility is a follow-up to initial tests which established that MOX may be used in CANDU-type reactors.

If it is possible to help reduce the nuclear threat and destroy weapons grade plutonium by using MOX fuel to generate energy for peaceful use, the Government considers Canada has a responsibility not to dismiss that possibility out of hand.

PRIVATE BILL

CERTIFIED GENERAL ACCOUNTANTS' ASSOCIATION OF CANADA—MESSAGE FROM COMMONS

The **Hon. the Speaker** informed the Senate that a message had been received from the House of Commons returning Bill S-25, respecting the Certified General Accountants' Association of Canada, and acquainting the Senate that they have passed this bill without amendment.

ORDERS OF THE DAY

INTERNATIONAL SEARCH OR SEIZURE BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Beaudoin, seconded by the Honourable Senator Bolduc, for the second reading of Bill S-24, to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada.—(*Honourable Senator Carstairs*)

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, on the day that this bill was put forward by Senator Beaudoin, I took the adjournment. However, Senator Grafstein has graciously indicated that he wishes to address this particular piece of legislation. I understand that he may have had some discussions with Senator Beaudoin or, if not, they will take place shortly, and that Senator Beaudoin understands that Senator Grafstein will be speaking on this bill as soon as he can put his thoughts together on paper. We hope that is sooner rather than later.

With that understanding, I will adjourn this matter in the name of Senator Grafstein.

On motion of Senator Carstairs, for Senator Grafstein, debate adjourned.

THE ESTIMATES, 1998-99

RETENTION AND COMPENSATION ISSUES IN THE PUBLIC SERVICE—REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Cohen, for the adoption of the ninth report of the Standing Senate Committee on National Finance, entitled "Retention and Compensation Issues in the Public Service," tabled in the Senate on February 18, 1999.—(*Honourable Senator Cools*)

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, this item was adjourned in the name of Senator Cools. I can indicate to honourable senators that there is support for this report on our side, and I think we are ready for the vote on this particular motion.

Motion agreed to and report adopted.

STATE OF FINANCIAL SYSTEM

CONSIDERATION OF INTERIM REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON STUDY—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the seventeenth report (interim) of the Standing Senate Committee on Banking, Trade and Commerce entitled: "A Blueprint for Change" (Volumes I, II and III), tabled in the Senate on December 2, 1998.—(*Honourable Senator Tkachuk*)

Hon. John. B. Stewart: Honourable senators, may I ask Senator Kinsella when Senator Tkachuk intends to speak to this motion? It has been with us for a long time, and we should dispose of it in one way or another.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this item, standing for adjournment in the name of Senator Tkachuk, is at its fifteenth day. The Honourable Senator Tkachuk is not here, and I have not received any advice from him regarding this item. Therefore, either we make a decision on it or it will follow the fate of those items that go beyond 15 days.

Senator Stewart: Honourable senators, the committee was not unanimous on this report. Three Liberals disagreed. I am told that Senator Tkachuk changed his mind on this matter, although that was before the final report of the committee was made, not after. I was interested to hear what he would say here because I should like to have an opportunity to speak if he were to say certain things. However, the motion is in danger of dying on the Order Paper before some of us have had an opportunity to speak.

This report was made before Christmas, although its adoption was not moved at that time. Because one of the matters with which it deals is the leasing of automobiles by banks, the report is highly controversial in some parts of the country. I realize that in urban areas it may not be controversial, but those of us who come from rural Canada have strong opposition to that part of the report. I was hoping that Senator Tkachuk would join us on that.

Honourable senators, I hope that this report will not be accepted by the Senate simply by default.

The Hon. the Speaker: Honourable senators, this is a rather irregular procedure. Since the matter was stood, there should be no debate. Perhaps the solution would be for some other honourable senator to move the adjournment, and then it would be back into the cycle at day number 1.

Senator Kinsella: Honourable senators, I will say a few words about it, then. I should like to begin with reference to the fate that befell the Greek god Sisyphus who, whilst in Hades, was condemned for eternity to pushing that stone up to the top of the hill, and then, having managed to get it there, watching it roll down again.

I do not want to be seen restarting the clock merely for purposes of restarting the clock. However, because of the interesting intervention that has been made by the Honourable Senator Stewart, I am prepared now to move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

• 151 •

THE BUDGET 1999

STATEMENT OF MINISTER OF FINANCE—INQUIRY—
DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 16, 1999.—(*Honourable Senator Stratton*)

Hon. Terry Stratton: Honourable senators, I rise to participate in the debate on the inquiry of the Honourable Senator Lynch-Staunton, calling our attention to the budget presented by the Minister of Finance on February 16.

I have heard many compelling presentations from my colleagues. In presenting this inquiry, for example, Senator Lynch-Staunton has pointed out how the Liberal government has thrived on the success of its predecessors.

Successes once condemned as failures it has now adopted as its own: reduced government spending, the GST, free trade,

reductions in the public service, stricter conditions for various entitlements and eligibility; these are but a few of the Mulroney initiatives that the present government has not only embraced but elaborated on.

Senator Cohen, for her part, as she has done so many times in this chamber, drew our attention to the plight of the poor and homeless and lamented the fact that this budget does little for them.

Senator Atkins contested the government's claim that a falling dollar and low export prices were really good for the economy, and underlined the serious decline in the amount of foreign investment in our economy. He also pointed out that the government had only restored enough money into health care to bring health and education transfer payments back to 1996 funding levels by the year 2004. He also called our attention to the shameful neglect with which our military is being treated by this government.

Senator Lavoie-Roux also demonstrated how the government has effectively gutted transfer payments to the provinces since 1993, and persists in maintaining a huge surplus in the EI fund while restricting access to Employment Insurance.

Senator Bolduc reminded us of the recent decrease in Canadian productivity in relation to our neighbours to the south and the decline of personal income in our country. Senator Bolduc said:

The Minister of Finance has, and the government along with him, opted to continue the anaemic economic growth of the past 30 years by declining the opportunity to use the budget surplus as a solution.

He pointed out that this has caused a slower rise in productivity in Canada compared to other G-7 countries, a far heavier tax burden than our American competitors, an overall debt that is one of the highest in the G-7, and a brain drain involving high numbers of specialists in a variety of disciplines.

Senator Tkachuk demonstrated the dire effects of government fiscal policy on middle-class Canadians.

Senator Simard, with the help of Senator Kinsella, highlighted how damaging government policy was to his home province of New Brunswick and all the Maritimes.

Honourable senators, our colleague Senator LeBreton also reminded us that the policies that have generated recent economic growth have their origins in the Mulroney government. She said:

Free trade, Investment Canada, repeal of the punitive National Energy Program, restraint, privatization, sales tax reform, deregulation — these are all policies of the previous government that this government has chosen to keep, and these are the policies that are driving the economy.

Senator Spivak talked about tax bracket creep. The youngsters of this world who are just starting out get regular salary increases, which jumps them into another tax bracket, and there is no relief for them at all. As a result, the Canadian government picks up in the neighbourhood of \$185 million dollars a year extra. She also talked about climate change, about which the government is doing nothing, and child care, about which the government is doing nothing.

I believe that the speeches from which I just quoted throw a particularly illuminating light both on the government's overall performance and on the last budget. However, with all due respect to my colleagues, I find it even more revealing to hear and read what is now going on within the Liberal caucus. Obviously, the members of our caucus are not alone in thinking that the government's last budget was a missed opportunity.

For the first time in a generation, the government, thanks largely to visionary measures adopted by the Mulroney government and the many sacrifices of the Canadian population, disposed of a budgetary surplus that it could have used to alleviate the burden of Canadian taxpayers and enhance their quality of life, notably by helping to boost Canadian productivity. Instead, the minister has decided to tinker at the margins, while maintaining high taxes and punitive tax grabs such as the EI surplus and hiking CPP premiums, and to indulge in short-term expenditures. This is especially worrisome when one thinks that this government, over the coming years, will have ever-growing surpluses to allocate.

Clearly embarrassed by this year's surplus, the Finance Minister simply tried to make it disappear, mostly through one-time spending initiatives in the weeks leading up to the budget.

As William Watson noted in the *National Post* a few days after the budget, having studied a table contained in the documents described by the minister:

Ten weeks ago, the surplus for the fiscal year that had just five weeks to run was going to be fully \$11.7 billion, the number at the top of the table. At the bottom is \$0.0, this year's forecast."

After having listed the government's burst of spending initiatives, he adds:

...presto! \$1-billion a week for 10 weeks and the problem is solved. This year's balance is down to zero.

It is impossible to discern any coherent, long-term planning in the government's strategy. A budget should be a plan. It should express resolve, address current problems, and prepare for the future. This budget does not do that.

Even some members of the Liberal caucus are clearly worried. The Minister of Finance had barely finished reading his Budget Speech when members of his party were already expressing the hope that the next budget would contain significant tax cuts.

There can be no better demonstration of the fact that this budget was indeed a lost opportunity when we see members of the government so anxious to turn the page on the exercise and trying to convince the Minister of Finance to do a better job next time.

In his budget speech, the Minister of Finance alluded to Sir Wilfrid Laurier's prediction that the 20th century will belong to Canada. Indeed, honourable senators, Canada has been one of the greatest success stories of this century. With a relatively small population dispersed along the second largest territory in the world, and despite a forbidding geography and a difficult climate, we have built a country that is respected and admired around the world for its spirit of tolerance and its equality of opportunity. We have also won our place at such prestigious and influential international fora as the G-7, APEC, the OAS, the Commonwealth, and la Francophonie.

However, it is not written in the sky that Canada will automatically thrive in a new year of intense economic and technological competition. One of the keys to our past success was personal initiative, risk-taking, and just plain hard work and perseverance. If we are to succeed in the coming century, we must put in place right now the framework that will allow Canadians to compete and to win. Only the national government can formulate the vision that will help us thrive in a global economy, and carry us to a new century of achievement and prosperity.

Sadly, there is no vision emanating from the government at this time. Perhaps, upon reflection, it is too much to expect this government to demonstrate leadership. Maybe even they will be satisfied with being considered the government that closed the 20th century with a whimper instead of the one that led us boldly into a new era.

Surely we can hope, at the very least, that the government will not stifle the personal ambitions and opportunities of Canadian citizens, which is what they are effectively doing by maintaining high taxes which penalize initiative, erect barriers to investment that creates jobs, and drive highly skilled Canadians to seek their future elsewhere.

While the Minister of Finance and most of his cabinet colleagues beam with self-satisfaction, the Canadian population is more and more worried about its prospects. Even the jovial Minister of Finance, for example, has been brought to admit that we have serious productivity problems in this country — by the Minister of Industry, no less.

•(1520)

Earlier, the Minister of Finance was chastising anyone who dared suggest that Canadian productivity was declining. A few days later, confronted with statistical evidence showing that productivity growth in the Canadian manufacturing sector had fallen increasingly behind that of the United States, the minister was forced to admit that "there is a problem."

Canadians know there is a problem; they see it every day. Productivity is not only a problem for Canadian businesses and exporters. Lower productivity means lower income for Canadians, which is one of the reasons, along with ever-increasing taxes, why the disposable income of Canadians is declining and the disposable income of Americans is rising.

It is shocking to see the government gloat about the state of its finances while average Canadians have more and more difficulty in making ends meet. The government was finally able to eliminate the deficit and to collect a surplus, in large part because of the sacrifices that this generation of Canadians has made. They are the ones who should be rewarded. They are the ones who should take credit. Instead, the government turns a blind eye to the anxiety and hardship of a growing number of Canadians.

Surely the minister knows, if only for having read a summary of a Commons research report published in *The Ottawa Citizen* on March 2, that "modest-income single-earner families were paying up to two-thirds of every additional dollar they earned in income taxes..." Does he not know that income taxes are the single largest expenditure for Canadian households, more than food and shelter combined, and that real disposable income per person has dropped by almost \$1,000 since 1990, according to the Royal Bank of Canada?

Far from reaping the benefits of years of job cuts and service cut-backs, Canadians are being penalized further. Here, for example, is what the Canadian Bond Rating Service, quoted in *The Ottawa Citizen* on March 2, said about the recent budget:

...there has been no tax relief. Federal taxes, including income taxes, EI premiums, GST and so on, amounted to 14 per cent of GDP in 1994, rising steadily to 17.1 per cent last year.

It is hitting home more and more now. As reported in yesterday's paper, the CEO of Nortel, John Roth, said that if we do not do something about taxes, he may be forced to move Nortel to the United States. Nortel employs 7,500 people in this country, and he is threatening relocation. This company has been Canadian for almost as long as Canada has existed.

The government gives us the disturbing impression of having attained a very dubious objective: the creation of a richer government in a poorer country. Even amongst the government's own employees there now exists a pervasive sense of drift. I recently had the honour of tabling a report of the Standing Senate Committee on National Finance dealing with retention and compensation issues in the public service. The report, tabled here on February 23, showed clearly that the program review exercise conducted by the government, which was little less than an effort to dismantle whole sections of the public service, had a devastating effect on the self-esteem of government employees.

Gilles Paquet, Director of the Centre of Governance at the University of Ottawa, was quoted recently as saying that the committee's report underscores that the Liberal government has

no agenda for its public service, other than one driven by the Finance Department to cut costs. The professor stated:

The government doesn't give me the feeling that it respects the public service. They ended the notion of a career public servant and then turn around and ask them for more and more loyalty; give them less and less money and more and more work. It just doesn't add up.

Jocelyne Bourgon, in her fourth report as Clerk of the Privy Council, stated:

There is a "quiet crisis" underway in the public service today. It is quiet because few people are aware of the crisis, and even fewer people have started to do something about it."

On January 25 of this year, a study conducted by the Centre for Research and Education on Women and Work at Carleton University revealed that about three-quarters of the best and brightest in the federal public service are thinking of quitting their jobs, and 21 per cent said that they will be leaving within a year. This is a very sad state of affairs resulting from the government's callous indifference to the working conditions within the public service and their haste to reduce government services.

Honourable senators, the last budget was a missed opportunity for the Minister of Finance, a lost opportunity for the Liberal government to show leadership as we prepare to enter a new century. The most tragic result of the government's lack of vision, however, is that it means countless lost opportunities and a dimmer future for tens of thousands of Canadians. Canadians deserve better.

On motion of Senator Lynch-Staunton, debate adjourned.

HEALTH

MOTION TO MAINTAIN CURRENT REGULATION OF CAFFEINE AS FOOD ADDITIVE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Cochrane:

That the Senate urge the Government of Canada to maintain Canada's current regulation of caffeine as food additive in soft drink beverages until such time as there is evidence that any proposed change will not result in a detriment to the health of Canadians and, in particular, to children and young people.—(Honourable Senator Carstairs)

Hon. A. Raynell Andreychuk: Honourable senators, I do not wish to make a lengthy speech, as I am reminded of Senator Wilson's comments.

I should like to commend Senator Spivak for bringing this matter to our attention. The use of caffeine should not be taken lightly. I believe it is an issue that should receive the serious attention of the Government of Canada and the people of Canada. Senator Spivak covered most of the points of concern, and I therefore support her motion very strongly.

No clear process or research has been undertaken by Health Canada, and therefore I do not believe that the government should accept the adding of caffeine to drinks that are citrus-based or, in specific terms, Mountain Dew. Until such adequate research, investigation and deliberation takes place, it would be folly to embark on any further use of caffeine when it is really not necessary.

The applicant, Pepsi, said it wished harmonization, and it used the free trade agreement and NAFTA as a basis for their submission that there is sound and good reason to coordinate standards between the United States and Canada. However, I believe that the free trade agreement never intended — nor should it be used — to override Canada's need to protect and secure Canadians and their health. This type of harmonization was never contemplated, and should not be used.

It has also been said that caffeine is a taste enhancer, and that is it only there so that consumers can have more choice and exercise their options. I do not believe that is the real reason. If caffeine is contained in these drinks because of consumer choice, then one must ask why people are not drinking Mountain Dew now if they feel it is such a good drink. If there is something wrong with the drink, it should be scrapped and a new drink invented, or a taste enhancer other than caffeine should be found.

To indicate that there are no negative effects is to go against what we know when we talk about caffeine in coffee and caffeine in some prescribed drugs. We have some research, and Health Canada has commented on the use of caffeine by women who are ageing, and who have a reduced calcium intake. We know that caffeine is a problem for pregnant women. We have also said in a wellness model, for which it would seem the Government of Canada is pressuring, and quite rightly so, that preventative medicine is as important as curative medicine. Consequently, the additive of caffeine cannot be justified.

• (1530)

Surely the protection of children is more important than consumer choice, if these are competing demands, and I believe that they must be proven. I do not believe that either Pepsi or Health Canada have offered such proof. It would be inconsistent with the minister's stated policy to protect children and promote good health practices by allowing caffeine to be added at this time. Alternates can be found and alternate products can be found. Therefore, I believe the debate must continue. I believe that this motion squarely authorizes the government to do the right thing, the necessary thing, and the safe thing for Canadian society.

I also believe that if we do not, we are entering into the type of debate that we have with cigarettes, where in fact the industry

says that smoking is safe, and it took decades before they admitted that there was anything harmful in their product. I do not believe we need to embark on such a debate with respect to soft drinks, which are generally consumed more by children than adults.

I cannot see that anyone in this chamber would be against Senator Spivak's proposal and motion, and I would urge all senators to expeditiously send this motion to the attention of the Government of Canada.

On motion of Senator Carstairs, debate adjourned.

UNITED NATIONS

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS—RECENT RESPONSES TO QUESTIONS
FROM COMMITTEE—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the Responses to the Supplementary Questions emitted by the United Nations Committee on Economic, Social and Cultural Rights on Canada's Third Report on the International Covenant on Economic, Social and Cultural Rights.—(*Honourable Senator Forrestall*)

Hon. Lois M. Wilson: Honourable senators, the link between human rights and the right to development has been widely recognized globally. Last fall, Jubilee 2000 was launched on Parliament Hill and addresses this issue. Sponsored by churches worldwide, it represents somewhat of a convergence of international opinion between civil society and government. I heard this subject expertly addressed recently in Geneva, at the UN Human Rights Commission, by the Special Rapporteur on "The effects of foreign debt on the Full Enjoyment of economic, social and cultural rights."

The serious problem of foreign debt continues to impede development and to perpetuate inequalities between and among countries, reducing even further the already inadequate national resources many countries are able to devote to meeting the essential needs of their people. The tenth anniversary of the UN Convention on the Rights of the Child that we celebrate this year seems an excellent opportunity to link debt cancellation specifically to child development targets, as well as to the goal of the Organization for Economic Cooperation and Development, OECD, to reduce absolute poverty by one-half by the year 2015.

In a speech given by our Prime Minister on March 25, 1999, and in policy documents released by the Minister of Finance and the Minister for International Cooperation, the Government of Canada announced its strategy for debt relief in preparation for the upcoming Cologne G-8 meeting in June where debt cancellation will be on the agenda.

Canada's proposal moved the debate significantly forward, and put a serious challenge to other creditors by raising the bar in the context of other G-7 proposals. The most positive aspect of it is setting the challenge of 100 per cent bilateral cancellation as the rule rather than the exception — such as in the German proposal — for a set of countries, and including in this challenge all of the bilateral debts of these countries. In addition, Canada has indicated its willingness to act unilaterally should multilateral negotiations not achieve the level of cancellation Canada itself is seeking.

However, the restriction of this principle to an insufficient number of countries is problematic. Can this strong Canadian initiative not be taken for 50-plus poor countries? Canada is calling for a write-off for only 29 least developed countries, of whom only 12 owe bilateral debt to Canada. The additional cost to our country, should all of Canada's proposals for bilateral cancellation be accepted, would only be \$100 million to \$150 million, compared with \$900 million of foreign aid debt Canada has already written off for poor countries.

Moreover, Canada called on other countries to follow its leads and to forgive official development assistance, or ODA, debt for heavily indebted poor countries and in providing future development assistance only on a grant basis. This means that debt cancellation measures would accompany, not replace, needed aid. Canadian ODA is at an all time low, sitting at 0.27 per cent of the GNP in 1998. The Prime Minister's actions to stabilize ODA in this year's budget and to increase aid in future budgets is welcome. Jubilee 2000 calls on him to demonstrate progress toward 0.7 per cent of the GNP by reaching the target of 0.35 per cent by the year 2005.

Moreover, the debate needs to move beyond the issues of the "unpayability" of debts by some countries to address debt within the framework of justice. We regret that Canada is still largely working within a reformed highly indebted poor countries' initiative, or HIPC, a program launched by the International Monetary Fund and the World Bank in 1996 to address the debt crisis in poor countries. While the HIPC and our government's proposals are welcome steps in the right direction, we could go further. Although that HIPC scheme has gone beyond any previous debt relief mechanisms, it has more to do with offering relief for creditors from carrying uncollectable debt on their books than for the people of indebted countries.

Cologne G-8, this June, must do more than tinker with the HIPC framework and address the needs of a full range of countries for which debt is a moral burden on the poor. The UN Human Development Report 1998 notes that whereas the international community raised \$100 billion U.S. for the Asian crisis in just a few months, it is taking years to find \$8 billion to implement the HIPC initiative. The most objectionable aspect of it is its requirement that debtor countries implement orthodox structural adjustment programs, or SAP, which involve unacceptable levels of austerity for the very poor. Poor citizens of indebted countries must make too many sacrifices to free up resources for debt payments.

Canada proposes that there should be debt cancellation for countries that:

Increase spending on education and health care for their people and reduce spending on weapons and the military.

And that:

the track record of good performance in structural adjustment be reduced from six years to three years.

A laudable proposal.

However, is it not a fundamental contradiction when debt relief continues to be linked by Canada to the structural adjustment programs of the IMF and the World Bank, which are conditioned on debtors adopting economic policies that serve to perpetuate unjust economic relationships between the north and south, and further impoverish the poor?

The UN Commission on Human Rights Resolution of 1997:

...notes with regret the negative effects on the enjoyment and realization of economic, social and cultural rights of the structural adjustment and reform policies conceived by the international financial institutions and bilateral creditors and imposed on debtor countries to deal with the effects of foreign debt, especially among the most vulnerable and the low-income groups.

The problems warrant a broader approach than the essentially biased creditor-debtor relationship. Social issues should go even-handed with economic considerations of growth and development, according to the UN Special Rapporteur on debt relief. "Efficiency and productivity" are not exclusive economic aspects of development. They should be validated for social investments and expenditures.

Moreover, it is important to consider human rights issues related to how the debt was incurred and maintained so there can be assessments of aspects of the debt as illegitimate. One such example is debt incurred by the South African apartheid regime, which used its loans against the interests of its people.

• (1540)

The Latin American Jubilee movement has called for the auditing and cancellation of illegitimate debts. Are the children who had not yet been born when the burden of debt acquired impossible levels, and who have a limited life expectancy before them, to pay with their health and their lives and be saddled with debts so that creditors can recover what is considered their due?

Another question arises as to how to handle future debt crises. The most creative suggestion is to establish an international arbitration tribunal to oversee the orderly write-down of sovereign debts. Such a tribunal could serve as a place to explore the annulment of illegitimate debts and is a place where middle-income countries could go to achieve orderly rearrangements of the remaining debts. Latin American countries, for example, need such a tribunal to approach before they find themselves in a balance-of-payments crisis.

It could pave the way to achieving the right to social and international order in which the rights and freedoms set forth in the UN Declaration of Human Rights can be realized. It could also secure a process of transparency which could serve to curb irresponsible borrowing and lending.

Such a tribunal should be an independent body under the auspices of the UN to work out the principles of eligibility for debt cancellation. This body would ensure that the money saved from debt payments is used primarily for social development.

Finance Minister Martin is to be commended for proposing that countries should have the ability to invoke an "Emergency Standstill Clause" to freeze payments to creditors for a period of time during which they would seek a voluntary rearrangement of their debt. A tribunal would be available should it be impossible to reach such an agreement.

The Latin American Jubilee 2000 campaign calls for arrangements where:

...creditors and debtors will appoint an equal number of judges to the arbitration tribunal. Debtor nations will make such appointments on the basis of broad consultation with all members of society. The representation of civil society in such an arbitration procession is fundamental to a process that is just.

Finally, Canada's Jubilee 2000 plans to present one of the largest petitions in Canadian history to the Prime Minister before the G-8 summit that will demonstrate wide public support for a radically new beginning for the world's most impoverished people as together we enter the new millennium. Honourable senators will receive their copies of the petition in due course. Your participation will indicate what support senators are able to bring to this important imperative of our time — debt cancellation.

Hon. John B. Stewart: Honourable senators, assuming that the honourable senator has not spoken longer than 10 minutes, may I ask her two questions?

The Hon. the Speaker: As a matter of fact, the Honourable Senator Wilson was well within the 15-minute period.

Senator Stewart: Even though she was, it may not leave time for our exchanges.

My questions are not hostile; rather, they are questions designed to produce clarification.

On this whole question of debt cancellation, I have heard it said that debt should not be cancelled because much of this money was used directly or indirectly for the benefit of what they used to call "the people above"; the elite.

Senator Kinsella: The ruling class.

Senator Stewart: Yes. It is said that, in a sense, we are rewarding them for what was, in many cases, corruption. That is

a very serious argument, serious in the sense that it tends to work strongly against the position taken by Senator Wilson. I am hoping that she will be able to say something that will defeat that argument utterly. That is my first question. Will she undertake to do that?

The second question relates to the so-called moral hazard. We are all familiar with the term. If we cancel these debts, are we not, in effect, saying to the countries whose debts have been cancelled: "Now go and run up bigger debts in the future and, of course, we will follow our precedent; that is, we will cancel them again."

That is almost a classic case of so-called moral hazard. I wonder if Senator Wilson will obliterate that argument?

Senator Wilson: I cannot possibly respond to you utterly and put it all at peace because part of the purpose of the inquiry is to involve other members of the Senate in this important debate. I do not have all the answers.

You are right that part of the problem is that much of this money has been siphoned off by the elite. Structurally, the debt rests on the backs of the poor. Jubilee 2000 objects to the whole process of lending and repaying money because it is structurally wrong, and must be corrected.

The suggested international tribunal would secure a process of transparency which, it is hoped, would curb irresponsible borrowing and lending. Right now, there is no place where nations can go to appeal this state of affairs. They are at the mercy of the international financial instruments. Perhaps this measure might help to correct that.

My answer to your first question is not a very good one, but it is as far as I can go. Because the whole thing is framed within the creditor-debtor framework, with the structural adjustment program built in, then the elite can make money on the backs of the poor. In Africa, they called this suffering African people; in Latin America, they call it sophisticated arrangements for poverty. They are well aware that the money is being siphoned off.

We are, first, commending the Prime Minister's initiative. We have already cancelled a number of debts. We are asking him to go a little further and to give world leadership to what we perceive is a good initiative.

The Hon. the Speaker: Honourable senators, this matter stands in the name of the Honourable Senator Forrestall. Honourable Senator Kinsella advises me that Senator Forrestall would prefer that it stand in the name of the Honourable Senator Andreychuk. Is that agreed?

Hon. Senators: Agreed.

On motion of Senator Kinsella, for Senator Andreychuk, debate adjourned.

DEVELOPING COUNTRIES

STATUS OF EDUCATION AND HEALTH IN YOUNG GIRLS AND WOMEN—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Losier-Cool, calling the attention of the Senate to population, education and health, particularly for young girls and women in many developing countries.—
(Honourable Senator Callbeck)

Hon. Catherine S. Callbeck: Honourable senators, first, I want to thank Senator Losier-Cool for bringing forward this inquiry. My comments today will follow those presented by several senators and will echo, I believe, the concerns that each of them have already so eloquently expressed.

My comments come at a time when countries around the world, including our own, are focused on events in Yugoslavia and the unfolding human drama there. Canada is an active participant in the NATO efforts in that country which, beyond various geo-political and strategic rationale, are basically about human rights and their protection.

As a nation, we are committed to these principles. We have encoded them in our Canadian Charter of Rights and Freedoms, Canadian Human Rights Act, and the provincial and territorial human rights codes. Equally, Canada has long shown leadership in defending and promoting the equality of men and women around the world. We are committed to ensuring that a respect for human rights and human dignity is central to our development and foreign aid policies.

As a result, organizations such as the Canadian International Development Agency, CIDA, over the last several years, have funded hundreds of projects aimed at sustainable, social and economic objectives in developing countries. These projects build on the individual capabilities of each society.

• (1550)

Essentially, our approach has been one of equipping and empowering the populations to overcome, in the long term, the various social and economic problems they face. This situation is particularly true for women, and in many cases the children of these populations, who are fundamental to the economic and social development of their countries but have been granted few rights in return. For example, it is usually the women in these countries who provide the core production functions. They fetch the water and fuel, prepare the meals, tend to vegetable gardens for household needs, pick the crops and work in the fields.

In Sub-Saharan Africa, for example, women produce up to 80 per cent of the food crops. However, at the same time, women may not even own a plot of land, nor can they inherit property, obtain credit, or go into business.

As a result, many of these CIDA and other initiatives have specifically targeted women in developing countries and the link

between their status and the developmental status of their nation, including the degree of poverty found there. This is not an abstract linkage. It is borne out by hard data showing that 70 per cent of people who live in poverty worldwide are women. Equally revealing are the data on child labour. An estimated 250 million children between the ages of five and 14 in developing countries must work, most often for little pay. Today there are still parts of the world where children are sold into servitude or, even worse, into outright slavery.

Targeting the health and education supports in these countries, particularly those available to women, youth and young girls is, therefore, based on the knowledge that a population that is uneducated and unhealthy does not, and cannot, effectively contribute to its own development. Honourable senators, this is as straightforward as respecting human rights in these countries.

Let me start with the right of everyone to education, as stated in Article 13 of the International Covenant on Economic, Social and Cultural Rights, and of which Canada is a signatory. Add to that statement the fact, as reported by the United Nations, that two-thirds of the world's illiterates are women. That is quite a gap between their right to learn and the reality of it actually occurring.

CIDA has captured the importance of improving educational opportunities for women everywhere in a recent article entitled, "Women, Vital Partners in International Development," from which I shall quote.

The majority of the illiterate people in the world are women and, since poverty and illiteracy often go hand in hand, the majority of the most impoverished people in the world are also women. In countries where the status of women has improved, faster economic growth and higher living standards also occurred, whereas in regions where women's rights and freedoms are denied, progress has been slow in coming.

Where education levels for women have risen, infant mortality has declined, diet has improved and the family size has shrunk. For women, learning to read and write is often the first step toward obtaining knowledge which will improve their quality of life and that of their children...

A generally dismal portrait of women in developing countries continues to be painted. Perhaps this is most aptly put by the United Nations at the time of the Fourth World Conference on Women, in Beijing, China, in September of 1995 and I quote:

Poor, overworked, and illiterate — this is the profile of most adult, rural women in the majority of developing countries. Although more girls and women are entering school, and near university literacy has been achieved for young people in many regions, huge gaps exist in women's education and literacy, especially among adults — the caretakers and providers for whom the ability to read and write can make a world of difference.

Closing these gaps is one of the main roles behind our country's commitment to developing aid. These goals are reflected in Canada's Women in Development policy which, since its inception in 1984, has aimed to increase women's participation as decision-makers in their economic, political and social spheres. This has also meant eliminating discrimination against women, as well as improving their economic conditions, basic health and education.

One might reasonably ask why education is seen as such an important tool for women and young girls. In specific terms, the World Bank estimates that for each additional year of education for girls, child mortality is cut by 10 per cent, and wages are boosted by 10 to 20 per cent.

More generally, however, education is so effective in these countries, and indeed in any country, because it opens the door to choice. It enables women, in particular, to know what the opportunities are for themselves and for their families. It lets them see that what for many generations may have been deemed acceptable practices of behaviour toward them are not the only practices or behaviour open to them.

Education allows women to be aware of, and to consciously choose, options for themselves rather than having those choices made for them. Educational achievement, therefore, engenders not only self-respect but also reciprocal respect. It strengthens the full participation of women as equal partners in their societies. It is not only a component of well-being for them, it is also a factor in the development of well-being for their fellow citizens.

Another concern with poor education is that it often — if not inevitably — leads to poor health, since the two are very closely linked. Just as education is a basic human right, so too is the enjoyment of the highest attainable standard of physical and mental health a basic human right, — once again as recognized by Article 12 of the International Covenant on Economic Social and Cultural Rights, of which Canada is a signatory.

We need only look to the following facts to understand the enormity of the global challenge faced in making that human right for health a reality: Half a million women die each year from complications due to childbirth. Eight hundred million people in developing countries are malnourished, and now more than 8 million deaths of children under five years of age each year are associated with malnutrition.

An estimated 14 million people in Sub-Saharan Africa are infected with HIV, representing two-thirds of the men, women and children worldwide who are infected with the virus. Malaria causes 2 million deaths each year, largely in developing countries.

In most societies, and more so perhaps in the developing world, women constitute the primary family caregiver. When these women are uneducated and lack basic nutrition and sanitary skills, it is the entire family that suffers. On the other hand, in

societies where women are better or at least slightly more educated, it is the family that benefits.

For example, a mother who is illiterate, or who has little education may have difficulty understanding instructions given to her by a health worker concerning medication for a sick child. She may not understand the measurement quantities of medication involved, or she may have difficulty recognizing the signs of serious disease. Equally, she may not have the appropriate sanitary conditions, or the health workers, or the proper medication at hand to start with.

• (Cont.)

Even in developing societies where care is readily available, women, for some reason, seem to have less access to that care. Fewer women than men are treated in hospitals, receive prescriptions for medication or timely treatment from practitioners, or even survive fairly common diseases.

I am sure that honourable senators will agree that by addressing mutual reinforcing programs such as female education and health care, we are helping these developing countries to realize sustainable improvements in terms of their quality of life and standard of living. We do so because these initiatives affirm our strong national commitment to basic human rights, both at home and abroad, and the foundation of individual respect, dignity and equality on which they must be built. However, I believe that we also recognize the crucial investment they represent for us as a nation.

As all honourable senators are aware, there is much discussion of globalization these days and the shrinking of world trade either through electronic channels or international diversification into a single worldwide market. We see the reality of this phenomena when far-flung countries in southeast Asia run into financial difficulties, as they did nearly a year ago, and economies and stocks on the other side of the global are directly impacted. We see the cause and effect, and we ignore these economic seismic shocks at our peril.

So too must we take seriously the social realities of many of the developing countries. As we now know, the strength of their economies in growth terms is only as strong as the social infrastructure on which those economies are built. The key to that infrastructure is directly tied to the primacy of health, education and the status of women.

We would be wise to remember the old Maltese proverb, "The world is a chain, one link in another." Global prosperity and political security can only be obtained when equitable social development fits hand and glove with them. Separating economic aspirations from the reality of social conditions is folly.

Canada stands tall in leading efforts towards such equitable development. We are proud of our contribution, particularly tied as it is in large part to supporting the status of education and health in young girls and women.

In this context, I would ask honourable senators to remember debate on this motion the next time we hear the national polls saying, "Cut international aid. We have tough issues on which we should be spending our money here in Canada." Tough issues for us can only be described as Utopia for people living in developing countries today. Millions of women there will see their children go to bed hungry tonight and, all too often, die from starvation. They themselves may be beaten, or worse. They have the right to know that there are choices for their lives, and for those of their families.

It is not just "aid" that Canada and its agencies give to the populations of developing countries, honourable senators; it is recognition and protection of human rights, and respect for their dignity as human beings.

On motion of Senator Corbin, debate adjourned.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

April 29, 1999

Mr. Speaker,

I have the honour to inform you that the Honourable Peter deC. Cory, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 29th day of April, 1999, at 4:30 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Judith A. LaRocque
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

NATIONAL DEFENCE

STATE OF HELICOPTER FLEETS—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Forrestall calling the attention of the Senate to the Liberal cancellation of EH-101, and the state of Canada's Labrador and Sea King helicopter fleets.—(*Honourable Senator Atkins*)

Hon. Norman K. Atkins: Honourable senators, it is a pleasure to speak to the Honourable Senator Forrestall's inquiry on the EH-101. After 20 years of planning, proposals and research by Canada's military on a new military maritime helicopter, the present Liberal government scrapped the EH-101 program in 1993, after promising to do so during the 1993 federal election campaign.

In 1993, the Progressive Conservative government was prepared to replace the Labrador search and rescue helicopter and the Sea King maritime helicopter with nearly 50 EH-101s because it knew that our Canadian Forces needed this equipment. But not the Liberals. They saw an opportunity to make an election issue out of a defence acquisition that would keep our aircrews safe and our forces effective. With the stroke of a pen, the hopes and dreams of our navy and air forces were dashed.

I wish to add that this Liberal government did it all at a cost of at least \$1 billion to the Canadian taxpayers. That reminds me of the Pearson airport contract that was cancelled, which cost the Canadian taxpayers over \$1 billion.

The Honourable Senator Stewart will recall that in 1956, during the pipeline debate, one of the famous Liberal ministers, C.D. Howe, said in one of his debates in the House, "What is a million?" It seems that this government's new theme is "What is a billion?"

Do you remember when the leader of the Liberal Party in 1993 said, "I will take out a pen and write zero helicopters. No one will die from helicopters." Professor Desmond Morton, one of Canada's noted academics, in his report to the Prime Minister on the state of the Canadian Forces, stated that "ignorance and opportunism" were the villains in this story.

In the foreword to *Jane's Fighting Ships* 1996-97, one of the most respected defence publications in the world, the editor stated that among NATO's navies no issue was more tainted with bureaucratic procrastination than the Sea King replacement. NATO, the Canadian Forces and the Canadian taxpayer have suffered from this government's negligence and political opportunism.

There are also the comments of Clare Musselman, a grieving father whose son died in the helicopter crash in Quebec last fall, who said, "I am sure you will agree that Peter's death was a result of faulty equipment." What does Mr. Chrétien have to say to that? No one will die because of helicopters?

Everyone in this chamber knows of the story of the Labrador 305, but for those of you who may not know, this is the helicopter that crashed over the Gaspé Peninsula on October 2, 1998, with the loss of the entire crew. Add to that incident several emergency landings and flight restrictions in the weeks that followed on the Labrador fleet; the embarrassing incidents in Newfoundland, where Labrador helicopters, during water bird-type training, landed in Gander Lake and had to be retrieved; the fact that on April 6, an American Coast Guard helicopter had to complete a rescue off Nova Scotia's coast; that the Minister of National Defence has a report in his office that is reported to say that the Labrador fleet is presently at "high risk" to their crews and are prone to "catastrophic failures"; and the cost of maintenance and the hours required to service the existing fleet just to keep the helicopters in the air.

• (1619)

I think all honourable senators now know what our search and rescue capability is like today, thanks to poorly thought out election promises.

I turn now to our navy. Canada's navy has yet to see a new maritime helicopter and, after the budget, it is unlikely to see them for at least the next three years. It takes about three years, once ordered, to get the first helicopter, and it would be at least three more years before the last of the new helicopters would arrive.

Right now, the ageing Sea King has an availability rate of only 30 to 40 per cent and its mission systems fail about 50 per cent of the time. With aircraft like the Sea King, it is no wonder that the forces are 300 pilots short today. As a matter of fact, two sets of news stories have appeared about the effectiveness of the Sea King on its last NATO patrol, when it was characterized by Canadian Forces personnel as an embarrassment.

Now it appears that this unreliable helicopter will be on its way to the Adriatic at the head of the Standing NATO Naval Force Atlantic. As you may know, honourable senators, maritime helicopters are very useful in patrolling during blockades. Furthermore, let us hope and pray that our ships do not have to rely on these helicopters against Serbian forces, lest there be a tragedy; a tragedy for which Liberal promises would be responsible. The chickens have come home to roost with regard to the cancellation of the EH-101, and we are at war.

Finally, I find it strange that there has been no one on the Liberal side willing to speak to this important inquiry. Perhaps it is because they have difficulty supporting government policy on this issue.

On motion of Senator Di Nino, debate adjourned.

ACCESS TO CENSUS INFORMATION

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Milne calling the attention of the Senate to the lack of access to the 1906 and all subsequent censuses caused by an Act of Parliament adopted in 1906 under the Government of Sir Wilfrid Laurier.—(*Honourable Senator Johnson*)

Hon. Thelma J. Chalifoux: Honourable senators, I want to thank Senator Milne for calling our attention to the lack of access to the 1906 and all subsequent censuses. I would like to explain to you the importance of this issue to the Métis people of Canada.

In 1982, the federal government recognized, through the Constitution of Canada, the Métis nation as a recognized aboriginal nation of Canada. We, as the Métis people of Western Canada, have always known our lineage and our history as it relates to the development of our country.

The First Nations and the Inuit have always been counted, from birth to death, through the Department of Indian Affairs, but the Métis have not been counted the same way. Now that the Métis have gained the status of a recognized aboriginal nation, it is imperative that our genealogists have access to these censuses. This documented proof is vitally important to the Métis people of Ontario and Quebec so that they, too, can gain access to any benefits for which aboriginal people can apply.

The Métis of Western Canada can access script documentation in the Hudson Bay archives. The Métis people of Ontario and Quebec deserve the opportunity to get the needed information that these censuses could provide. It will give families the necessary information to assist them in their search for their identity as true Canadian citizens. By researching your family history, you learn where you fit in your family tree. In a time when the healing of aboriginal peoples is receiving focus and support, it is imperative that they know where they come from so that they can move forward in the sacred circle of their lives. This is why I support Senator Milne's statements.

The Hon. the Speaker: Honourable senators, this inquiry will stand in the name of the Honourable Senator Johnson.

NATIONAL DEFENCE

MOTION TO ESTABLISH SPECIAL COMMITTEE TO EXAMINE ACTIVITIES OF CANADIAN AIRBORNE REGIMENT IN SOMALIA— DEBATE CONTINUED

Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Berntson:

That a Special Committee of the Senate be appointed to examine and report on the manner in which the chain of command of the Canadian Forces both in-theatre and at National Defence Headquarters, responded to the operational, disciplinary, decision-making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia;

That the Committee in examining these issues may call witnesses from whom it believes it may obtain evidence relevant to these matters including but not limited to:

1. former Ministers of National Defence;
2. the then Deputy Minister of National Defence;
3. the then Acting Chief of Staff of the Minister of National Defence;
4. the then special advisor to the Minister of National Defence (M. Campbell);
5. the then special advisor to the Minister of National Defence (J. Dixon);
6. the persons occupying the position of Judge Advocate General during the relevant period;
7. the then Deputy Judge Advocate General (litigation); and
8. the then Chief of Defence Staff and Deputy Chief of Defence Staff.

That seven Senators, nominated by the Committee of Selection act as members of the Special Committee, and that three members constitute a quorum;

That the Committee have power to send for persons, papers and records, to examine witnesses under oath, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee have power to authorize television and radio broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee have the power to engage the services of such counsel and other professional, technical, clerical and other personnel as may be necessary for the purposes of its examination;

That the political parties represented on the Special Committee be granted allocations for expert assistance with the work of the Committee;

That it be empowered to adjourn from place to place within and outside Canada;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee submit its report not later than one year from the date of it being constituted, provided that if the Senate is not sitting, the report will be deemed submitted on the day such report is deposited with the Clerk of the Senate; and

That the Special Committee include in its report, its findings and recommendations regarding the structure, functioning and operational effectiveness of National Defence Headquarters, the relationship between the military and civilian components of NDHQ, and the relationship among the Deputy Minister of Defence, the Chief of Defence Staff and the Minister of National Defence.

And on the motion in amendment of the Honourable Senator Forrestall, seconded by the Honourable Senator Beaudoin, that the motion be amended by adding in paragraph 2 the following:

"9. the present Minister of National Defence."—(*Honourable Senator Kinsella*)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to speak in support of this motion of my colleague Senator Lynch-Staunton.

Honourable senators, had the Létourneau commission of inquiry not been shut down by the government, it would have completed its work and this motion would not have been necessary. However, as honourable senators know, the Somalia commission of inquiry was aborted by this government and, therefore and thereby, numerous questions have gone without response.

Canadians have recognized that the issues in Somalia were very serious, involving, as they did, torture by Canadians and extra-territorial killing by Canadians.

The study by the Senate which this motion proposes would have the effect of demonstrating that responsible government remains a hallmark of our system of governance. The motion is simply asking that a committee of the Senate look into and find answers that speak to the issue of responsibility, answers which would have been forthcoming had the government not aborted the independent judicial commission that was set up.

Honourable senators will know that the term "responsible government" can be applied to our system of governance in three main respects. First, it can be applied in the sense that our government act in a responsible manner; that is, that it not abuse the wide legal powers it possesses as a result of our Constitution and statutes, which concentrate considerable power in the hands of the government of the day. Canadians want to be assured that they have a government and agencies of government, including the military, that are trustworthy.

Second, "responsible government" can be taken to mean that the government is responsible for public opinion and acts in accordance with what it judges to be the wishes of the majority. Canadians have always clearly expressed the desire to ensure that correct and proper actions are executed and that there not be a covering up or an evasion of responsibility.

The third point is critically important. "Responsible government" means that the government and its agencies are accountable to Parliament.

● (162m)

It is clear that the circumstances surrounding the shutting down of the Somalia judicial commission of inquiry left numerous questions in the minds of honourable senators and members of the House, if not the Canadian public generally. These lingering questions and issues must be examined to lay to rest concerns surrounding this case that I have described. I am not, however, the only one to describe them. The United States of America State Department issues an annual report on human rights for countries around the world, and, the year before last, in its report on Canada, it underscored this human rights question of extra-territorial killing by agents of Canada.

The Somalia commission sought to uncover how commanders of Canadian Forces involved in peacekeeping operations in war-torn Somalia performed at the levels of operational, disciplinary, decision-making and administrative control over our service people. Furthermore, the commission was charged with determining whether the military had been acting on its own and without supervision, or whether the concept of civilian control of the military was still a principle by which we govern ourselves.

The commission, however, was shut down prematurely by the government, just as it was prepared to make its case against officers at the very highest levels of the Canadian Forces. The commission had uncovered evidence of dangerously high levels of mismanagement by senior officials. In the report, there were explicit indications of cover-ups; questionable activities; document tampering, renaming and destruction, and forgery of signatures. Indeed, the former chief of Defence staff, General Boyle, under scrutiny, proved remarkably uninformed about the conduct of his own troops. In his own words, when asked about his knowledge of affairs taking place under his leadership by the commission chair, Judge Létourneau, the then chief of the Defence staff stated, according to *The Ottawa Citizen* of August 24, 1996:

Sir, I've forgotten a lot of things in the last two years.

The former CDS's forgetfulness or blissful unawareness of events taking place under his command is disconcerting. The commission inquiry chair stated, according to *The Ottawa Citizen* of August 31, 1996:

...in a highly controlled, hierarchical environment such as the army's public affairs branch, it makes no sense that senior officials such as Boyle would not know what was going on. Junior officers simply would not act unilaterally without high-up approval.

All of us in this chamber are aware of problems associated with the Somalia commission investigations, for an examination of the pages of our Hansard reveals considerable discussion in this place on that topic. Although not all of us voice our concerns openly, we all have some degree of doubt as to whether the commission was allowed to complete its work in a fair and unmolested manner.

In effect, we have two choices, honourable senators. We can assign the issue of examining Canadian Forces conduct in Somalia to the dustbin of history, content to accept that senior military officers and officials have information and have gone unquestioned, with the quality of performance clearly in doubt. The other choice, of course, is that we can choose to submit this matter, as the motion of Senator Lynch-Staunton proposes, to a careful analysis in order to uncover the truth. Together, if we choose that option, perhaps we can write the final chapter that the commission of inquiry itself was unable to write.

With that, honourable senators, I move the adjournment of the debate in the name of my colleague Senator Meighen.

On motion of Senator Kinsella, for Senator Meighen, debate adjourned.

AGRICULTURE AND FORESTRY

PRESENT STATE AND FUTURE OF FORESTRY— BUDGET REPORT OF COMMITTEE ON STUDY ADOPTED

Leave having been given to revert to Reports of Committees Item No. 10:

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Agriculture and Forestry (supplementary budget—study on forestry in Canada) presented in the Senate on April 28, 1999.—(Honourable Senator Gustafson)

Hon. Nicholas William Taylor moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

ABORIGINAL PEOPLES

ROYAL COMMISSION ON ABORIGINAL PEOPLES— BUDGET REPORT OF COMMITTEE ON STUDY ADOPTED

Leave having been given to revert to Reports of Committees, Order No. 9:

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Aboriginal Peoples (supplementary budget—study on Aboriginal governance) presented in the Senate on April 28, 1999.—(*Honourable Senator Watt*)

Hon. Charlie Watt moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO REFER PREVIOUS DOCUMENTATION ON STUDY OF BOREAL FOREST TO SUBCOMMITTEE

Hon. Nicholas W. Taylor, pursuant to notice of April 28, 1999, moved:

That the papers and evidence received and taken on the subject of the harvest of the boreal forest during the Second Session of the Thirty-fifth Parliament be referred to the Subcommittee on the Boreal Forest of the Standing Senate Committee on Agriculture and Forestry.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Hon. the Speaker: Honourable senators, I will now leave the Chair to await the arrival of His Excellency, the Deputy of the Governor General.

The Senate adjourned during pleasure.

[Translation]

ROYAL ASSENT

The Honourable Peter deC. Cory, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Deputy Speaker, the Honourable the Deputy Governor General was pleased to give the Royal Assent to the following bills:

An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other acts as a consequence (*Bill C-43, Chapter 17, 1999*)

An Act respecting the Certified General Accountants Association of Canada (*Bill S-25*)

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

[English]

•(1640)

The sitting of the Senate was resumed.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 4, 1999, at two o'clock in the afternoon.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 4, 1999, at 2 p.m.

APPENDIX

Address

of

His Excellency Václav Havel

to

both Houses of Parliament

in the

House of Commons Chamber, Ottawa

on

Thursday, April 29, 1999

APPENDIX

Address
 of
 His Excellency Václav Havel
 President of the Czech Republic
 to
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 House of Commons Chamber, Ottawa
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 Thursday, April 29, 1999

[English]

●(11035)

Mr. Václav Havel and Mrs. Havlová were welcomed by the Right Honourable Jean Chrétien, Prime Minister of Canada, by the Honourable Gildas L. Molgat, Speaker of the Senate and by the Honourable Gilbert Parent, Speaker of the House of Commons.

Hon. Gilbert Parent (Speaker of the House of Commons): Mr. President, Madam Havlová, Senators, distinguished guests and colleagues, I call upon the Prime Minister to introduce our guests. The Right Honourable Jean Chrétien.

Right Hon. Jean Chrétien (Prime Minister): Speakers of the House of Commons and Senate, honourable members, ladies and gentlemen.

Once in a great while, members of the two Houses of the Canadian Parliament put aside partisan differences, silence our debates and come together on our very, very best behaviour.

For anyone who has ever watched our daily proceedings, such occasions are nothing short of a miracle. And I must admit, they are right, especially today, for we have in our presence a leader, a truly remarkable leader, whose perseverance in the face of tyranny, whose dignity in the face of persecution, helped to make possible the democratic transformation of his people, his country and his continent ten years ago; a transformation which, by any standard, was a miracle.

I speak of course of the President of the Czech Republic, Václav Havel.

[Translation]

The great Victor Hugo once wrote that not even the strongest army in the world can defeat an idea whose time has come. But it

is also true that, for any idea to triumph in its time, there must first be a champion, a leader, a symbol.

Mr. President, in your long crusade for freedom and justice, you led a mighty struggle against some of the strongest enemies known to human progress: fear and oppression.

Armed only with the courage of your convictions and the rightness of your cause, you triumphed.

Your childhood was spent, first, under foreign occupation, and then under the consolidation of a brutal totalitarian regime. A regime that chose to block your aspirations in life.

In most of us, wounds like these might have created bitterness and a sense of personal futility. But in you, they fuelled the writing and acts of conscience which captured the longing of your countrymen and the admiration of the entire world.

You revealed the hollowness of an imposed political system. And your words and deeds helped secure its doom.

●(11040)

When the time came, after so many years of privation, you were the only real choice to lead a country that was new again. To define its new politics, its economic transformation and its new relationships within Europe and beyond.

[English]

Mr. President, I would like to quote from your first New Year's address to your people:

You may ask what kind of republic I dream of. Let me reply:

I dream of a republic independent, free and democratic; of a republic economically prosperous and yet socially just; in short, of a humane republic that serves the individual and that, therefore, holds the hope that the individual will serve it in turn.

When you visited Canada for the first time in early 1990 that vision was still to be made real. Today the Czech Republic is one of the leading democracies of central and eastern Europe.

Your economic transformation, despite certain challenges today, will lead toward membership in the European Union.

You are a partner of Canada in NATO, the OECD, and you are active in the WTO. Our soldiers are keeping the peace in Bosnia and we make common cause in the OSCE.

You have sent some of your finest sons and daughters to Canada over the past century, who have become some of our most distinguished business leaders, academics, writers and, of course, hockey players. I have to tell you, Mr. President, that one of your fellow citizens, Dominik Hasek, is not very popular in Ottawa these days, but it is very nice of you to come here to compensate for that humiliation.

In return, over the past decade Canada has done its best to support your country in re-establishing democracy and recreating a market economy. Together we are also seeking to build new trade and investment links of mutual benefit.

Mr. President, your personal journey and that of the Czech Republic speak to how far the cause of freedom and human rights have come in Europe, but the crisis in Kosovo is a stark reminder of how much further there is to go. And if I might be so bold, if that journey is to have lasting meaning in the Europe of the new millennium, then its simple and powerful lessons must be applied without hesitation in that complex and troubled land.

The people of Kosovo, and everywhere in Europe, must one day feel the same security and attachment to their homelands that you described in your dream of a humane republic; ideals that you have done so much to make a reality in the Czech Republic of today.

I am fortified by the knowledge that someone of your unshakeable faith in the forces of justice and right has taken up this cause without hesitation.

Together with our NATO allies we are doing the right thing in Kosovo. Together we will prevail.

We live in an age of overstatement, Mr. President, where the meaning and value of words are often made cheap by excess rhetoric, but for you there can be no overstatement.

It is my great pleasure and honour to introduce to this honourable House a beacon of freedom, a man whose achievements repudiate the idea that poets and dreamers have no place among statesmen.

Ladies and gentlemen, a poet, a dreamer and a great statesman, Václav Havel.

Some Hon. Members: Hear, hear!

• (1045)

Mr. Václav Havel (President of the Czech Republic): Prime Minister, Speaker of the Senate, Speaker of the House of Commons, members of the Senate and the House of Commons, distinguished guests, I certainly do not need to emphasize how honoured I am to address you. With your permission, I shall use this opportunity for a few remarks concerning the state and its probable position in the future.

There is every indication that the glory of the nation state, as a climax of the history of every national community and the highest earthly value, in fact the only one in whose name it is permissible to kill or which is worth dying for, is already past its culminating point.

It seems that the enlightened endeavours of generations of democrats, the horrible experience of two world wars, which contributed so substantially to the adoption of the Universal Declaration of Human Rights, as well as the overall development

of our civilization, are gradually bringing the human race to the realization that a human being is more important than a state.

The idol of state sovereignty must inevitably dissolve in a world that connects people, regardless of borders, through millions of links of integration ranging from trade, finance and property, up to information; links that impart a variety of universal notions and cultural patterns. Furthermore, it is a world in which danger to some has an immediate bearing on all; in which, for many reasons, especially because of the massive advancement of science and technology, our fates are merged together into one single destiny; and in which we all, whether we like it or not, suffer responsibility for everything that occurs.

It is obvious that in such a world, blind love for one's own state, a love that does not recognize anything above itself, finds excuses for any action of the own state simply because it is one's own state, and rejects anything else simply because it is different, inevitably turns into a dangerous anachronism, a hotbed of conflicts and, eventually, a source of immeasurable human suffering.

• (1050)

I believe that in the coming century most states will begin to transform from cult-like objects, which are charged with emotional contents, into much simpler and more civil administrative units, which will be less powerful and, especially, more rational and will constitute merely one of the levels in a complex and stratified planetary societal self-organization. This change, among other things, should gradually antiquate the idea of non-intervention, that is, the concept of saying that what happens in another state, or the measure of respect for human rights there, is none of our business.

Who will take over the various functions that are now performed by the state?

Let us first speak about the emotional functions. These, I believe, will begin to be distributed more equally amongst all the various spheres that make up human identity, or in which human beings exercise their existence. By this I mean the various layers of that which we perceive as our home or our natural world: our family, our company, our village or town, our region, our profession, our church or our association, as well as our continent and, finally, our earth, the planet which we inhabit. All this constitutes the various environments of our self-identification; and, if the bond to one's own state, hypertrophied until now, is to be weakened it must necessarily be to the benefit of all these other environments.

As for the practical responsibilities and the jurisdictions of the state, these can go in only two directions: downward or upward.

Downwards applies to the various organs and structures of civil society to which the state should gradually transfer many of the tasks it now performs itself. Upwards applies to various regional, transnational or global communities or organizations. This transfer of functions has already begun. In some areas, it has progressed quite far; in others, less so. However, it is obvious that the trend of development must, for many different reasons, go along this path.

If modern democratic states are usually defined by such characteristics as respect for human rights and liberties, equality of citizens, the rule of law and civil society, then the manner of existence toward which humankind will move from here, or toward which humankind should move in the interest of its own preservation, will probably be characterized as an existence founded on a universal or global respect for human rights, a universal equality of citizens, a universal rule of law and a global civil society.

• (1055)

One of the greatest problems that accompanied the formation of nation-states was their geographical delimitation, that is, the definition of their boundaries. Innumerable factors, ethnic, historical and cultural considerations, geological elements, power interests, as well as the overall state of civilization, have played a role here.

The creation of larger regional or transnational communities will sometimes be afflicted with the same problem; to some extent, this burden will possibly be inherited from the very nation-states that enter into such entities. We should do everything in our power to ensure that this self-definition process will not be as painful as was the case when nation-states were formed.

Allow me to give you one example. Canada and the Czech Republic are now allies as members of the same defence association, the North Atlantic Alliance. This is a result of a process of historic importance; NATO's enlargement with states of Central and Eastern Europe. The significance of this process stems from the fact that this is the first truly serious and historically irreversible step to break down the Iron Curtain and to abolish, in real terms and not just verbally, that which was called the Yalta arrangement.

This enlargement, as we all know, was far from easy and has become a reality only ten years after the bipolar division of the world came to an end. One of the reasons why progress was so difficult was the opposition on the part of the Russian Federation; they asked, uncomprehendingly and worriedly, why the West was enlarging and moving closer to Russia without taking Russia itself in its embrace. This attitude, if I disregard all other motives for the moment, reveals one very interesting element: an uncertainty about where the beginning is, and where the end is, of that which might be called the world of Russia, or the East. When NATO offers Russia its hand in partnership, it does so on the assumption that there are two large and equal entities: the Euro-Atlantic world and a vast Euro-Asian power. These two entities can, and must, extend their hands to each other and co-operate; this is in the interest of the whole world. But they can do this only when they are conscious of their own identities: in other words, when they know where each of them begins and ends. Russia has had some difficulty with that in its entire history, and it is obviously carrying this problem with it into the present world in which the question of delimitation is no longer about nation-states but about regions or spheres of culture and civilization.

Yes, Russia has a thousand things that link it with the Euro-Atlantic world or the so-called West; but, it also has a thousand things which differ from the West, just like Latin America, Africa, the Far East or other regions or continents of today's world.

• (1100)

The fact that these worlds, or parts of the world, differ from one another does not mean that some are more worthy than others. They are all equal. They are only different in certain ways, but being different is not a disgrace. Russia, on the one hand, deems it very important to be seen as an entity of moment, an entity which deserves special treatment, that is, as a global power; but at the same time it is uncomfortable with being perceived as an independent entity that can hardly be part of another entity.

Russia is becoming accustomed to the enlargement of the Alliance; one day it will become acclimated to it completely. Let us just hope that this will not be merely an expression of Engels' "recognized necessity" but an expression of a new, more profound self-understanding. Just as others must learn to redefine themselves in the new multicultural and multipolar environment, Russia must learn it also.

This means not only that it cannot forever substitute megalomania or simply self-love for natural self-confidence but also that it must recognize where it begins and where it ends. For example, the huge Siberia with its vast natural resources is Russia but the tiny Estonia is not Russia and never will be. If Estonia feels that it belongs to the world represented by the North Atlantic Alliance or the European Union, this must be understood and respected and it should not be seen as an expression of enmity.

With this example I would to illustrate the following. The world of the 21st century, provided that humankind withstands all the dangers that it is preparing for itself, will be a world of an ever closer cooperation on a footing of equality among larger and mostly transnational bodies that will sometimes cover whole continents.

In order that the world can be like this, individual entities, cultures or spheres of civilization must clearly recognize their own identities, understand what makes them different from others and accept the fact that such otherness is not a handicap but a singular contribution to the global wealth of the human race. Of course, the same must be recognized also by those who, on the contrary, have the inclination to regard their otherness as a reason for feeling superior.

• (1105)

One of the most important organizations, in which all states as well as major transnational entities meet as equals for debate and make many important decisions which affect the whole world, is the United Nations. I believe that if the United Nations is to successfully perform the tasks to be imposed on it by the next century it must undergo a substantial reform.

The Security Council, the most important organ of the United Nations, can no longer maintain conditions from the time when the organization first came into being. Instead it must equitably mirror the multipolar world of today. We must reflect on whether it is indispensable that one state, even if only theoretically, could outvote the rest of the world. We must consider the question of which great, strong and numerous nations do not have permanent representation in that body. We must think out the pattern of rotation of the non-permanent members and a number of other things.

We must make the entire vast structure of the United Nations less bureaucratic and more effective.

We must deliberate on how to achieve real flexibility in the decision making of UN bodies, particularly of its plenary.

Most important, I believe we should ensure that all the inhabitants of our earth regard the United Nations as an organization that is truly theirs, not just as a club of governments.

The crucial point is what the UN can accomplish for the people of this planet, not what it does for individual states as states. Therefore, changes should probably be made also in the procedures for the financing of the organization, for the application of its documents and for the scrutiny of their applications.

This is not a matter of abolishing the powers of states and establishing some kind of a giant global state instead. The matter is that everything should not always flow, forever, solely through the hands of states or their governments. It is in the interest of humanity, of human rights and liberties as well as of life in general, that there is more than one channel through which the decisions of planetary leadership flow to the citizens and the citizens' will reaches the planetary leaders. More channels mean more balance and a wider mutual scrutiny.

I hope it is evident that I am not fighting here against the institution of the state as such. It would, for that matter, be rather absurd if the head of a state addressing the representative bodies of another state pleaded that states should be abolished.

I am talking about something else. I am talking about the fact that there is a value which ranks higher than the state. This value is humanity. The state, as is well known, is here to serve the people, not the other way around. If a person serves his or her state, such service should go only as far as is necessary for the state to do a good service to all its citizens.

Human rights rank above the rights of states. Human liberties constitute a higher value than state sovereignty. In terms of international law, the provisions that protect the unique human being should take precedence over the provisions that protect the state.

•(1110)

If, in the world of today, our fates are merged into one single destiny, and if every one of us is responsible for the future of all, nobody, not even the state, should be allowed to restrict the rights

of the people to exercise this responsibility. I think that the foreign policies of individual states should gradually sever the category that has until now most often constituted their axis, that is the category of "interests", "our national interests" or "the foreign policy interests of our state".

The category of "interests" tends to divide rather than to bring us together. It is true that each of us has some specific interests. This is entirely natural and there is no reason why we should abandon our legitimate concerns; but there is something that ranks higher than our interests: it is the principles that we espouse.

Principles unite us rather than divide us. Moreover, they are the yardstick for measuring the legitimacy or illegitimacy of our interests. I do not think it is valid when various state doctrines say that it is in the interest of the state to uphold such and such a principle. Principles must be respected and upheld for their own sake, so to speak, as a matter of principle, and interests should be derived from them.

For example, it would not be right if I said that it is in the interest of the Czech Republic that there is an equitable peace in the world. I have to say something else. There must be an equitable peace in the world and the interests of the Czech Republic must be subordinated to that.

The Alliance of which both Canada and the Czech Republic are now members is waging a struggle against the genocidal regime of Slobodan Milosevic. It is neither an easy struggle nor a popular one, and there can be different opinions on its strategy and tactics; but no person of sound judgment can deny one thing: This is probably the first war ever fought that is not being fought in the name of interests but in the name of certain principles and values.

If it is possible to say about the war that it is ethical, or that it is fought for ethical reasons, it is true of this war. Kosovo has no oil fields whose output might perhaps attract somebody's interest. No member country of the Alliance has any territorial claims there, and Milosevic is not threatening either the territorial integrity or any other integrity of any NATO member.

Nevertheless, the Alliance is fighting. It is fighting in the name of human interest for the fate of other human beings. It is fighting because decent people cannot sit back and watch systematic, state directed massacres of other people. Decent people simply cannot tolerate this and cannot fail to come to the rescue if a rescue action is within their power.

•(1115)

This war gives human rights precedence over the rights of states. The Federal Republic of Yugoslavia has been attacked without a direct UN mandate for the Alliance's action. But the Alliance has not acted out of licence, aggressiveness or disrespect for international law. On the contrary, it has acted out of respect for the law, for the law that ranks higher than the protection of the sovereignty of states. It has acted out of respect for the rights of humanity, as they are articulated by our conscience as well as by other instruments of international law.

I see this as an important precedent for the future. It has now been clearly stated that it is not permissible to slaughter people, to evict them from their homes, to maltreat them and to deprive them of their property. It has been demonstrated that human rights are indivisible and that if injustice is done to some, it is done to all.

Ladies and gentlemen, I am well aware that Canadian politics has long and systematically advanced the principle of security of the human being, which you deem equally important as that of security of the State, if not even more important. Let me assure you that this Canadian ethic enjoys a profound respect in my country. I would wish that we are not merely allies in a formal or institutional sense as members of the same defence alliance, but also as partners in promoting this worthy principle.

Dear friends, many times in the past I have pondered on the question of why humanity has the prerogative to any rights at all. Inevitably, I have always come to the conclusion that human rights, human liberties and human dignity have their deepest roots outside of this earthly world. They become what they are only because, under certain circumstances, they can mean to humanity a value that people place, without being forced to, higher than even their own lives. Thus, these notions have meaning only against the background of the infinite and of eternity. It is my profound conviction that the true worth of all our actions, whether or not they are in harmony with our conscience, the ambassador of eternity in our soul, is finally tested somewhere beyond our sight. If we did not sense this, or subconsciously surmise it, certain things could never get done.

Let me conclude my remarks on the State and on the role it will probably play in the future with the following statement: While the state is a human creation, humanity is a creation of God. L'Etat est l'oeuvre de l'homme, et l'homme est l'oeuvre de Dieu. Thank you.

Some Hon. Members: Hear, hear!

[Translation]

• (120)

Hon. Gildas Molgat (Speaker of the Senate): Your Excellency, President Havel, Mrs. Havlová, Prime Minister and Mrs. Chrétién, parliamentary colleagues, distinguished members of the diplomatic corps, and friends.

[English]

Your Excellency, the applause that you have just heard is the best thanks that we give to you for the vision for the future which you have given us this morning, what I might call the Havel Highway for Humanity.

Your Excellency, we are delighted to welcome you here, both as a friend and as a NATO Head of State.

[Translation]

Your address to our Parliament this morning, together with the new status of the Czech Republic as an ally, symbolize the

growing closeness of the relations between the Czech Republic and Canada.

[English]

On a personal note, Your Excellency, I was pleased indeed that my Alma Mater, the University of Manitoba, awarded you one of its rarely given Special Honorary Degrees last night in Winnipeg. The university wanted to recognize your intelligence, your courage, your devotion to principle and your literary achievement. I only regret that I could not be there myself last evening.

Just eight months ago, the Parliament of Canada convened to hear President Nelson Mandela of South Africa. I cannot help but be struck by some of the parallels in your separate careers. Both of you overcame what seemed to be insurmountable barriers, some life threatening, to promote your principles of freedom and the advancement of the human spirit.

You faced discrimination. You faced a totalitarian social structure. You were harassed and imprisoned for your beliefs and activities. You were denied the opportunity to complete the formal education of your choice. But never, never did you weaken.

Through your words and through your courageous leadership you became a key voice for freedom in Eastern Europe and through the world. The free world admires you.

[Translation]

During the decade of the sixties, when the cold war was at its deepest, you fought with a forceful weapon: words. In your writings, in your dramatic presentations (The Garden Party), (The Memorandum) and (The Increased Difficulty of Concentration), you made statements of principle and morality that struck a firm note for freedom.

It is an historic fact that your literary works helped to inspire the revival of democratic and national sentiments that led to the Prague Spring of 1968. And when Warsaw Pact intervention withered the Prague Spring, you played a leading role in organizing peaceful opposition to the totalitarian regime of the time.

[English]

Over the next decade, your continuing refusal to compromise your personal beliefs and political principles gave you a unique moral authority. And when passive Czechoslovak resistance turned revolutionary in November 1989, the Prague Drama Club gave birth to the Civic Forum. This organization spoke out on behalf of the growing number of groups and individuals demanding fundamental changes to the political system.

Given your past as a playwright and dissident, it was natural that you should play a leading role in the Civic Forum. Your strength of leadership seemed to make it inevitable that, like Nelson Mandela, you should be chosen President of your country, and that in the summer of 1990 you should preside over the first free elections in more than 40 years.

[Translation]

Your Excellency, over the past six years, as the first President of the Czech Republic, you have assumed the role of international statesman and educator, leading to greater focus on the future of Europe. Your training as a dramatist has given you the philosophical and moral confidence to address the challenges facing Europe in a most profound way.

[English]

For example, your speeches have dwelt on the need for the European Union to stand for more than just a common currency and a common market; they have dwelt on the need for Europe to reinvent itself spiritually and to rediscover its basic classical civilization.

As a broad extension of that, you have often spoken of the common roots of human spirituality, as you have this morning. You have spoken of the need to find the universal moral imperatives that should focus on accepted rules of human co-existence, so badly needed right now.

Your Excellency, your ability and willingness to address the profoundly moral issues of a spiritual regeneration of western societies makes you unique among politicians and statesmen. We thank you for your address.

When you leave Canada, you will take with you our affection, our respect and our universal good wishes.

Merci.

Some Hon. Members: Hear, hear!

Mr. Speaker Parent: Mr. President and Mrs. Havlovà, the Prime Minister and Madam Chrétien, Senators, my colleagues of the House of Commons, distinguished guests, ladies and gentlemen.

Mr. President, thank you for honouring the Chamber and us with your presence and your eloquence.

[Translation]

As the Prime Minister said, it is a rare occasion for our two Houses to convene here as we have today. It is, Mr. President, a mark of the strong ties between the Czech Republic and Canada and of the deep friendship between our two countries.

And if there is any person for whom we should, as the Prime Minister said, set aside our daily skirmishes, it is you, Excellency. Because your life is a truly inspiring story of courage in the face of oppression. It is one of stubborn adherence to the highest political principles.

[English]

• (11:30)

Our country, our dear Canada, is fortunate to have had a democracy since its beginning. Yet sometimes we may take our democracy for granted.

On the other hand, Mr. President, you had to fight to secure political rights for your people, and at great personal risk.

You acted on your belief, and you underlined it today, that every individual is entitled to freedom and dignity. And we, the parliamentarians of Canada, know how hard you worked in your country to rebuild the parliamentary institutions that gave expression to those rights.

Your presence in this Chamber is a very strong symbol for us, one that tells us we should always cherish, cultivate and renew the basic democratic ideas that are embodied here in this place.

You have given us a broader perspective of the challenges we face as a country that wants to play a positive role in a turbulent world. We agree, all of us here, that some values are so fundamental that they are worth defending, sometimes at great cost.

Ultimately, these values are not just Czech or Canadian, or even western, but values that belong to the human race as a whole.

[Translation]

You have championed a vision of Europe that strikes a chord among Canadians. You have called Europe "a single political entity, though immensely diverse and multi-faceted", where diverse peoples can work in common cause. The same can be said of Canada. We take pride in our diversity and have always sought to thrive on our differences.

[English]

Mr. President, you have shown us how one individual can influence the course of history in the face of great adversity.

The world is fortunate to have such an eloquent spokesman for its greatest dreams.

Some years ago, Mr. President, I and many, if not all, Canadians rejoiced in the Prague Spring, and then we wept with you because it did not continue.

Now, in the last few years when you, sir, have been president of your great country, there is a renewal of the Prague Spring.

You spoke about not only individual rights, but you spoke, sir, about humanity.

I said once in this House to a gathering like this that if you would know about the strength of a nation, you should look to her laws and to her soldiers. But if you would know about the soul of a nation, you should turn to her poets, to her writers and to her artists.

Today, sir, you have become for us and all those who have heard you, the poet, the writer and the spokesman who tells us about the soul of humanity. Thank you for being with us on this day.

Some Hon. Members: Hear, hear!

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Thursday, April 29, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications	98/04/02	four	98/05/27	98/06/18	20/98
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20	98/06/11	12/98
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16	98/05/12	06/98
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11	98/05/12	09/98
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce	98/02/24	one	98/03/19	98/06/11	13/98
S-16	An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	98/05/05	98/05/12	Foreign Affairs	98/05/28	none	98/06/02	98/12/03	33/98
S-21	An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts	98/12/01	98/12/03	Whole	98/12/03	one at 3rd	98/12/03	98/12/10	34/98
S-22	An Act authorizing the United States to preclear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health	98/12/01	99/02/11	Foreign Affairs	99/03/24	four	99/04/28		

S-23 98/12/10 99/02/03 99/03/11 none 99/03/16

Transport and
Communications

An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-3	An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts	98/09/30	98/10/22	Legal and Constitutional Affairs	98/12/08	none	98/12/09	98/12/10	37/98
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18	98/02/26	Agriculture and Forestry	98/05/14	five	98/05/14	98/06/11	17/98
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce	98/02/24	none	98/02/25	98/03/31	01/98
C-6	An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts	98/03/18	98/03/26	Aboriginal Peoples	98/06/09	none	98/06/18	98/06/18	25/98
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-8	An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas	98/03/17	98/03/25	Aboriginal Peoples	98/03/31	none	98/04/01	98/05/12	05/98
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	36/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	Social Affairs, Science & Technology	98/06/04	none	98/06/08	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	Transport and Communications	98/06/10	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	none	97/12/17	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	Transport and Communications	98/03/25	none	98/04/29	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs	98/04/02	none	98/04/28	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	Social Affairs, Science & Technology	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/03/24	98/11/17	Banking, Trade and Commerce	98/12/03	none + two at 3rd	98/12/10 Commons amendments referred to Committee 99/02/11	99/03/11	02/99
C-21	An Act to amend the Small Business Loans Act	98/03/19	98/03/25	Banking, Trade and Commerce	99/02/16	concur in Commons amendments	98/03/31	98/03/31	04/98

C-22	An Act to Implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04	—	—	—	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97
C-25	An Act to amend the National Defence Act and to make consequential amendments to other Acts	98/06/11	98/06/18	Legal and Constitutional Affairs	98/11/24	one	98/12/01	98/12/10	35/98
C-26	An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act	98/06/08	98/06/16	Agriculture and Forestry	98/06/18	none	98/06/18	98/06/18	22/98
C-27	An Act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements	99/04/21	99/04/27	Fisheries					
C-28	An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act	98/04/28	98/05/12	Banking, Trade and Commerce	98/06/04	none	98/05/16	98/06/18	19/98
C-29	An Act to establish the Parks Canada Agency and to amend other Acts as a consequence	98/06/03	98/06/15	Energy, the Environment and Natural Resources	98/10/20	none	98/11/19	98/12/03	31/98
C-30	An Act respecting the powers of the Mi'kmaq of Nova Scotia in relation to education	98/06/11	98/06/16	Aboriginal Peoples	98/06/18	none	98/06/18	98/06/18	24/98
C-31	An Act respecting Canada Lands Surveyors	98/05/07	98/05/26	Energy, the Environment and Natural Resources	98/06/09	none	98/06/10	98/06/11	14/98

C-33	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	98/03/18	98/03/25	—	—	98/03/26	98/03/31	02/98
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/03/18	98/03/26	—	—	98/03/31	98/03/31	03/98
C-35	An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act	98/12/07	99/02/17	Foreign Affairs	99/03/24	none	99/03/25	12/99
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/18	21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04	30/98
C-38	An Act to amend the National Parks Act (creation of Tukituk Nogait National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10	39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/06/09	none	98/06/10	15/98
C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs	99/03/25	none		
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance	99/02/18	none	99/03/02	04/99
C-42	An Act to amend the Tobacco Act	98/12/02	98/12/08	Legal and Constitutional Affairs	98/12/10	none	98/12/10	38/98
C-43	An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence	98/12/08	99/02/10	National Finance	99/03/18	none	99/04/27	17/99
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	28/98
C-46	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	29/98
C-47	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	98/06/11	98/06/16	Banking, Trade and Commerce	98/06/17	none	98/06/18	23/98
C-49	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management	99/03/09	99/04/13	Aboriginal Peoples				

C-51	An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act	98/11/18	98/12/03	Legal and Constitutional Affairs	99/03/04	none	99/03/09	99/03/11	05/99
C-52	An Act to implement the Comprehensive Nuclear Test-Ban Treaty	98/10/20	98/10/28	Foreign Affairs	98/11/18	one	98/11/24	98/12/03	32/98
C-53	An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses	98/11/25	98/12/02	Banking, Trade and Commerce	98/12/08	none	98/12/09	98/12/10	36/98
C-55	An Act respecting advertising services supplied by foreign periodical publishers	99/03/16	99/03/24	Transport and Communications 99/03/25					
C-57	An Act to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence	98/12/07	98/12/10	Legal and Constitutional Affairs	99/02/18	none	99/03/02	99/03/11	03/99
C-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02	99/02/11	Transport and Communications	99/03/17	none	99/03/18	99/03/25	09/99
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce	99/02/16	none	99/02/18	99/03/11	01/99
C-60	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/12/02	98/12/08	—	—	—	98/12/09	98/12/10	40/98
C-61	An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof	99/03/16	99/03/18	Social Affairs, Science & Technology	99/03/23	none	99/03/24	99/03/25	10/99
C-65	An Act to amend the Federal-Provincial Fiscal Arrangements Act	99/03/11	99/03/16	National Finance	99/03/23	none	99/03/24	99/03/25	11/99
C-73	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	99/03/17	99/03/23	—	—	—	99/03/24	99/03/25	14/99
C-74	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/03/17	99/03/24	—	—	—	99/03/25	99/03/25	15/99
C-76	An Act to provide for the resumption and continuation of government services	99/03/24	99/03/24	Committee of the Whole 99/03/25	99/03/25	none	99/03/25	99/03/25	13/99

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-208	An Act to amend the Access to Information Act	98/11/17	99/02/11	Social Affairs, Science & Technology	99/03/11	none	99/03/16	99/03/25	16/99
C-220	An Act to amend the Criminal Code and the Copyright Act. (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs	98/06/10 adopted	recommend Bill not proceed			
C-410	An Act to change the name of certain electoral districts	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	two	98/06/09	98/06/18	27/98
C-411	An Act to amend the Canada Elections Act	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	none	98/06/09	98/06/11	18/98
C-445	An Act to change the name of the electoral district of Stormont-Dundas	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	07/99
C-464	An Act to change the name of the electoral district of Sackville-Eastern Shore	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	08/99
C-465	An Act to change the name of the electoral district of Argenteuil-Papineau	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/09	99/03/11	06/99

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					
S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology	98/04/30	two	Dropped from Order Paper pursuant to Rule 27(3) 98/10/01		
S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03	none	referred back to Committee 98/09/24		
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/12/09	one			
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10	98/05/06	Legal and Constitutional Affairs	98/06/04	one	98/06/09	Motion for 2nd reading negatived in the Commons 99/04/13	
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)	98/02/26	98/04/02	Social Affairs, Science & Technology	98/05/14	seven + two at 3rd	98/06/10	Bill withdrawn pursuant to Commons Speaker's Ruling 98/12/02	
S-14	An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)	98/03/25	98/03/31	Aboriginal Peoples					
S-15	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	98/04/02	98/06/09	Legal and Constitutional Affairs	98/06/18 Report & Bill withdrawn 98/12/08	four			
S-17	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	98/05/12	98/06/02	Legal and Constitutional Affairs					
S-19	An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestall)	98/06/18							
S-24	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Beaudoin)	99/03/03							

S-26	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/03/10
S-27	An Act to amend the Canada Elections Act (hours of polling at by-elections) (Sen. Lynch-Staunton)	99/03/16
S-28	An Act to amend the Canada Elections Act (hours of polling in Saskatchewan) (Sen. Andreychuk)	99/04/20
S-29	An Act to amend the Criminal Code (Protection of Patients and Health Care Providers) (Sen. Laviolette-Roux)	99/04/29

PRIVATE BILLS

S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.) (Dropped from Order Paper pursuant to Rule 27(3) 98/11/17) (Restored to Order paper 99/04/15)	98/06/17	99/04/20	Banking, Trade and Commerce
S-20	An Act to amend the Act of incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (Sen. Taylor)	98/09/23	98/10/29	Social Affairs, Science & Technology
S-25	An Act respecting the Certified General Accountants Association of Canada (Sen. Kirby)	99/03/04	99/03/23	Banking, Trade and Commerce
			99/04/20	two
			98/12/09	three
			99/03/25	
			99/04/22	
			99/04/29	

CONTENTS

Thursday, April 29, 1999

	PAGE		PAGE	
Václav Havel President of the Czech Republic Address to Members of the Senate and the House of Commons Tabled and Printed as Appendix. Senator Carstairs	3191	Senator Graham	3195	
<hr/>				
SENATORS' STATEMENTS				
Alberta				
Condolences on Shooting Tragedy at W.R. Myers High School in Taber. Senator Fairbairn	3191	Cape Breton Development Corporation Closure of Mines—Meeting Between Prime Minister and United Families of Cape Breton—Request for Update. Senator Murray	3195	
Senator Ghitter	3192	Senator Graham	3195	
Senator Taylor	3192	Internal Economy, Budgets and Administration Fisheries Committee—Status of Budget to Travel—Request for Information. Senator Comeau	3195	
The Senate Time—Limits on Speeches and Senators' Statements— Adherence to Rules. Senator Wilson	3192	Senator Rompkey	3196	
The Homeless Possible Closure of Centre in Ottawa. Senator Mahovlich	3193	Senator Perrault	3196	
National Youth Achievement Awards Senator Nolin	3193	Immigration Conflict in Yugoslavia—Refugees from Kosovo—Criteria for Policy on Admittance to Canada—Government Position. Senator Kinsella	3196	
<hr/>				
ROUTINE PROCEEDINGS				
Criminal Code (Bill S-29) Bill to Amend—First Reading. Senator Lavoie-Roux	3194	Senator Graham	3196	
Canada-Europe Parliamentary Association Meeting of Organization for Security and Cooperation in Europe and Council of Europe Parliamentary Assemblies in Paris, France—Report of Canadian Delegation Tabled. Senator Grafstein	3194	Environment Impact Assessments and Safety Transportation Precautions on Cross-Border Shipments of Plutonium and MOX Fuel— Government Position. Senator Spivak	3197	
<hr/>				
QUESTION PERIOD				
National Defence Conflict in Yugoslavia—Alleged Use of Chemical Weapons against Kosovo Liberation Army—Supply of Protective Clothing and Training for Canadian Troops. Senator Forrestall	3194	Senator Graham	3197	
Senator Graham	3194	National Defence NATO Forces in Yugoslavia—Deployment of Combat Engineers— Government Position. Senator Nolin	3198	
Conflict in Yugoslavia—Responsibility of Ground Troops in Peacekeeping Initiative. Senator Andreychuk	3194	Senator Graham	3198	
Senator Graham	3194	Human Resources Development Millennium Scholarship Fund—Impasse in Negotiations with Quebec—Request for Facilitator—Government Position. Senator Rivest	3198	
Conflict in Yugoslavia—Deployment of Ground Troops— Statement by Chief of British Defence Staff—Vote in Parliament—Government Position. Senator Stratton	3195	Senator Graham	3198	
Senator Graham	3195	Delayed Answer to Oral Question Senator Carstairs	3198	
Conflict in Yugoslavia—Deployment of Ground Troops in Active Service—Benefits of Veterans Status. Senator Stratton	3195	Environment Recommendation by House of Commons Standing Committee against Burning of MOX Fuel—Government Position. Question by Senator Wilson. Senator Carstairs (Delayed Answer)	3198	
<hr/>				
Private Bill (Bill S-25) Certified General Accountants' Association of Canada— Message from Commons.				3199
<hr/>				
ORDERS OF THE DAY				
International Search or Seizure Bill (Bill S-24) Second Reading—Debate Continued. Senator Carstairs				3199
The Estimates, 1998-99 Retention and Compensation Issues in the Public Service— Report of National Finance Committee Adopted. Senator Carstairs				3199

	PAGE		PAGE
State of Financial System		Access to Census Information	
Consideration of Interim Report of Banking, Trade and Commerce Committee on Study—Debate Continued.		Inquiry—Debate Continued, Senator Chalifoux	3209
Senator Stewart	3199	National Defence	
Senator Kinsella	3199	Motion to Establish Special Committee to Examine Activities of Canadian Airborne Regiment in Somalia—Debate Continued.	
The Budget 1999		Senator Kinsella	3210
Statement of Minister of Finance—Inquiry—Debate Continued.		Agriculture and Forestry	
Senator Stratton	3200	Present State and Future of Forestry—Budget Report of Committee on Study Adopted, Senator Taylor	3211
Health		Aboriginal Peoples	
Motion to Maintain Current Regulation of Caffeine as Food Additive—Debate Continued, Senator Andreychuk	3202	Royal Commission on Aboriginal Peoples—Budget Report of Committee on Study Adopted, Senator Watt	3212
United Nations		Agriculture and Forestry	
International Covenant on Economic, Social and Cultural Rights— Recent Responses to Questions from Committee—Inquiry— Debate Continued, Senator Wilson	3203	Committee Authorized to Refer Previous Documentation on Study of Boreal Forest to Subcommittee, Senator Taylor	3212
Senator Stewart	3205	Royal Assent	3212
Developing Countries		Adjournment	
Status of Education and Health in Young Girls and Women— Inquiry—Debate Continued, Senator Callbeck	3206	Senator Carstairs	3212
Royal Assent		Appendix	
Notice,	3208	Address of His Excellency Václav Havel, President of the Czech Republic to both Houses of Parliament	3213
National Defence		Progress of Legislation	i
State of Helicopter Fleets—Inquiry—Debate Continued.			
Senator Atkins	3208		



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CANADA

Debates of the Senate

1st SESSION • 36th PARLIAMENT • VOLUME 137 • NUMBER 135

OFFICIAL REPORT
(HANSARD)

Tuesday, May 4, 1999

—

**THE HONOURABLE FERNAND ROBICHAUD, P.C.
ACTING SPEAKER**

This issue contains the latest listing of Officers of the Senate, the Ministry,
Senators and Members of the Senate and Joint Committees.



CONTENTS

(Daily index of proceedings appears at back of this issue.)

Debates: Chambers Building, Room 943, Tel. 995-5805

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THE SENATE

Tuesday, May 4, 1999

The Senate met at 2:00 p.m., the Acting Speaker, the Honourable Fernand Robichaud, in the Chair.

Prayers.

SENATORS' STATEMENTS

THE BATTLE OF THE ATLANTIC

COMMEMORATION

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, the monument at Point Pleasant Park in Halifax is a huge granite cross of sacrifice which provides a tangible, visual reminder of the Canadians who died at sea. When we observed The Battle of the Atlantic Sunday at this place on May 2 last — a place clearly visible to all ships approaching Halifax harbour — it was hard to picture the sea lanes of yesterday as places where the most bitter, protracted campaigns ever waged at sea took place during the six-year conflict of World War II. In those six years, the loss of ships, matériel and lives was greater than that sustained in the combined naval battles of the previous five centuries.

Winston Churchill often referred to the lengthy campaign, which in 1941 he dubbed the Battle of the Atlantic, as the "dominating factor" of the war because all other operations on land or sea or in the air during the course of World War II depended ultimately on keeping the Atlantic lifeline open.

Several hundred people, Senator Forrestall and myself among them, stood in attendance last Sunday to remember the men and women of our Merchant Navy and the RCN and RCAF who won this, the longest campaign, with pure courage and fortitude and determination. They won the Battle of the Atlantic under often appalling conditions, and with great sacrifice.

We gathered at Point Pleasant Park last Sunday to remember our aircrews who endured endless hours over grey seas, scanning the surface for enemy U-boats; and to remember in particular those whose burial sites are marked only by the cold Atlantic.

We remembered all of those who spent much of their service in the cramped and hellish existence of the corvettes, remarkable vessels built like whalers which could carry a four-inch gun and the minimum gear for locating and hitting submarines.

We remembered the remarkable men of Canada's Merchant Navy who served their country, often in rusty old tramps and in highly flammable tankers, or in freighters loaded with

ammunition. We thought about the fact that less than 50 per cent of merchant crew members survived the sinking of their ships in World War II.

We remembered the fact that, voyage after voyage, men who had seen a dozen ships go down about them, men who had been torpedoed once, twice, three times, sailed and sailed again.

In the brilliant sunshine of Sunday last, it was difficult to imagine the U-boat havoc on the convoys which ran the deadly gauntlet of the North Atlantic. These were convoys which courage alone brought safely across the notorious black pit beyond aircraft patrol range during the early years of the war: the black pit where submarines rose to the surface, picking off merchant men at will. That battle reached its true depth of horror in July of 1942, when a 10,000 tonne Allied ship was lost to U-boats every 10 hours.

• (14:10)

Canadians served with the greatest of distinction at times when all seemed lost. In large part because of this contribution — because of this indomitable courage — the RCN and the merchant service made nearly 26,000 safe crossings, carrying over 181 million tonnes of supplies to Great Britain.

The Battle of the Atlantic was one of the finest hours in the life of our country. We started with a tiny navy. We grew to be the third largest among the Allies, with 373 fighting ships and over 110,000 members. By 1945, Canada had a navy of 93,000 men and women. Without this magnificent effort by all of our services, the Allies would not have been able to liberate Europe. The Battle of the Atlantic was the dominant factor of the war.

On Sunday last, many of us in attendance thought about the wreckage of that conflict which, like the remains of all those who died to preserve our freedom, lies at the bottom of the sea. There is no precise location to visit the remains of all those who died for their country and for the furtherance of freedom at that vital time in the history of the 20th century. There is no place to come and say, "This is the place where our loved ones died." There is only the sea, the field of their honour, the silent witness to their glory, and the deeps which became their cemetery.

As we looked out at Halifax harbour, we thought of the urgent need to cherish, preserve and tell their story to our young people to our children — to the generations of Canadians who came after, and who had the good fortune not to know war — about the deadly struggle at sea, in which heroism was only considered to be part of a good day's work.

Hon. J. Michael Forrestall: Honourable senators, I join with Senator Graham in expressing similar sentiments. For over 40 years now, I have not missed a memorial service to the men of the Royal Canadian Navy; to the men and women of the Royal Canadian Naval Volunteer Reserves; to the men and women of the Merchant Marine; to the men of the Coastal Command; to all the men and women on shore, to the stevedores, to the pilots who escorted the convoys out of Halifax, and to everyone associated with that great human conflict.

From the start of World War II until its end, and victory in Europe, the last bastion of defence and the springboard for the liberation of Europe was the United Kingdom. The United Kingdom was dependent upon seaborne trade for two-thirds of its foodstuffs, 30 per cent of its iron ore, 90 per cent of its bauxite and copper, 95 per cent of its oil, 100 per cent of its rubber and 100 per cent of its soft timber. Without these and other strategic commodities, and maintenance of the sea trade that carried them to Britain, arguably the war would have been lost. The German U-boats and crews attempted to choke the United Kingdom's vital lifeline across the Atlantic, and they were deadly opponents.

Canada, loyal as always, answered the call and rose to the challenge. I draw to your attention, honourable senators, that Canada entered the war with just seven destroyers, and hastily turned out a fleet and crews for what was to become the most desperate and the longest battle of the Second World War.

The period from 1940 until 1943 was the most tenuous of the entire campaign. In the end, the Allies turned the tide. Key to the turning of the tide to victory was the Merchant Marine. It is just now that our Merchant Navy veterans are starting to receive the recognition they deserve. One great Canadian and Merchant Navy war veteran, Gordon Olmstead, who, as some of you will recall, chaired the coalition of merchant seamen during the struggle in recent years, lived just long enough to see his comrades-in-arms made veterans. It is a shame that he did not see the compensation that he and his comrades so richly deserved. I am happy to see that the government has taken steps to help out these long-neglected Canadian heroes.

Honourable senators, through great sacrifice, this country helped win the Battle of the Atlantic. By the end of the war, Canada had the third largest navy in the world, with 900 ships — 375 of which were fighting ships — and 100,000 sailors. Coastal Command of the Royal Canadian Air Force played a key part in the victory, as did their counterparts in the fleet air arm. The Royal Canadian Navy lost 24 ships and some 2,000 sailors in the conflict.

By the end of World War II, Canada had a merchant fleet of 180 ships and 1,200 mariners, but 80 merchant ships were lost, 1,509 merchant mariners were killed and 198 were captured. The Merchant Navy suffered a higher rate of casualties on a proportional basis than any of the other services. These are staggering losses for any country to sustain, and were so for our young nation in 1945. Nevertheless, we came through that terrible storm of fire and steel to ultimate victory.

Now, as we stand on the verge of a naval embargo off the coast of Yugoslavia, a nation with four submarines and numerous

raiding craft and mine layers, I hope and pray that our NATO forces — in particular, the Standing Naval Force Atlantic — led by a Canadian — is prepared, if called upon for action.

From a sunny, windy, slightly cool Sunday morning in Halifax, our thoughts will go forward over the ensuing 12 months to next year. I hope that next year, on this particular Sunday in May, rain or shine, Canadians will turn their thoughts to these men and women and remember them.

[Translation]

Hon. Roch Bolduc: Honourable senators, I should like to add a personal note to the statistics that have just been given on the Battle of the Atlantic. On my mother's side of the family, the Saint-Pierres were all foreign-going seamen in the Merchant Navy. One day in 1941, after a hockey game at Collège Sainte-Anne, I heard on Radio-Canada that my uncle François, the youngest in the family, had been lost at sea when the *Lady Hawkins* sank 600 miles northeast of Bermuda. This was the third time he was on a ship that had sunk, but this time he did not survive. I just wanted to add that.

[English]

Hon. Nicholas W. Taylor: Honourable senators, I am not too sure if people today are aware that, during the last war, you could join the Royal Canadian Naval Volunteer Reserve, RCNVR, at the youngest age of any of the services. Actually, you could join the Royal Navy at the age of 16, and follow courses at either Royal Roads or the Naval College down East. I took advantage of that. I still remember my number, as if it were tattooed on my arm: V93372.

• (1420)

Prairie boys always went off to the navy. Perhaps it was because all of that flat water very much resembled the flat grass. I learned very early that one of the reasons the navy liked us prairie boys was that we did not know a thing about the ocean, so they could tell us anything and we would accept it.

Canadians adapted well to the North Atlantic. One reason was that we had been in on the invention of the corvette, a very fast, anti-submarine ship. It was such a good design that up until about a couple years ago, 50 years after the last war, we were still using corvettes as offshore seismic vessels to explore for oil. In fact, until 10 years ago, the Israeli navy was nothing but converted Canadian corvettes that they had purchased, in turn, from the oil companies. The Canadian navy was stuck with doing the Murmansk run. It was just assumed that Canadians could adapt to the cold waters off Northern Russia.

We corvette crew members of the RCNVR were all very proud of that "V" in our name. It meant volunteer, a designation that not all of the other services could boast. We were seconded to the Royal Navy in a number of cases. It is interesting how things go around in circles. It was the RCN corvettes, lent to the Royal Navy, that were the effective blockade keepers against the Germans off Yugoslavia, perhaps because we could dodge in and out around those islands, just as if we were offshore in British Columbia, hunting for fish.

Honourable senators, I just wanted to add my thoughts to this commemoration as one of the few people in the Senate — perhaps the only one — who was a member of the RCNVR. I lost many of my friends, but I was one of the lucky ones, perhaps because it was so late in the war when I joined, and I was so young. It is an honour to take part today in the commemoration of these events, honourable senators.

Hon. Gerald J. Comeau: Honourable senators, I want to join with other honourable senators in their very eloquent comments about the Battle of the Atlantic. I had the opportunity this weekend to attend ceremonies at former Canadian Forces Base Cornwallis — actually former *HMCS Cornwallis*, which was the main training base for marine recruits in World War II. Just after the ceremony commemorating the Battle of the Atlantic, there was a ceremony to reconsecrate the chapel which was part of the Cornwallis base, in memory of the many who died during the Battle of the Atlantic.

There was something missing from the ceremony, honourable senators: the stained glass windows. Many people who were in attendance at the ceremony commented on that fact to me, and I would like to draw that to the attention of the Leader of the Government in the Senate. It would have been nice to have had the stained glass windows back in place there, in memory of those who died.

ACCESS TO CENSUS INFORMATION

UNACCEPTABILITY OF PETITION IN ELECTRONIC FORMAT

Hon. Lorna Milne: Honourable senators, I rise today to speak to the practices of this chamber in respect to the ever-changing and evolving technological world in which we live.

We now have the technology to communicate within a matter of minutes with people from both ends of this country and elsewhere in the world. Through my work on the release of census information, I have been receiving e-mails from every part of Canada, the United States, parts of Europe, and even from New Zealand. The Internet is a powerful tool that gets people talking and acting despite the miles between them. However, we, the Senate, have yet to recognize these new forms of communication and the benefits that they impart to our legislative work here in the Senate.

A group comprised of individuals from various parts of this country is working together to gather support for the release of the 1911 census information. Their main media of communication are the Internet and electronic mail. They have gathered well over 600 names on an e-mail petition, which I have been informed is not valid since it has not been signed personally by these 600-plus supporters; only typed and sent from their personal e-mail addresses.

I urge the Senate to consider amending its rules to allow for this form of communication to be properly recognized in our work. We must keep up with the new and constantly improving technology, and not be an impediment to its growth or ignore it completely.

[Senator Taylor]

MENTAL HEALTH WEEK

Hon. Thérèse Lavoie-Roux: Honourable senators, I rise today to address the issue of mental health in Canada. This week is Mental Health Week and, throughout Canada, mental health organizations are promoting the importance of emotional well-being.

Mental health is an essential element to a person's health. One cannot attain full health without also having well-functioning capacities to feel, think and act. Everyone has a mental health.

[Translation]

On first examination, mental health in Canada seems to be in fairly good shape. Health Canada statistics indicate that 70 per cent to 75 per cent of Canadians are in good mental health, but this still means that 20 or 25 per cent are not.

At some point, they are affected by mental or emotional distress, feel depressed, feel that they are falling apart, and this can lead to violence, alcohol or drug abuse, even suicide.

We know that there is a constant increase in the suicide rate among young people, even the very young, some as young as ten years old.

Honourable senators, one Canadian in four is unbalanced. We face greater and greater pressure individually and collectively. It is hard living today, and millions of Canadians, including our young people, are facing stressful social situations. Individualism is king and is slowly replacing the sense of community and, in the course of it, having disastrous effects on mental health. People without proper social support or facing a variety of stresses are six or seven times more prone to experience depression. The 1994-95 National Population Health Survey discovered an obvious cause-and-effect relationship between income and the risk of depression. Let us use National Mental Health Week to see what we can do for people's mental well-being.

[English]

Currently, governments are falling short of meeting the need. On average, provincial governments only allot 4 per cent of their budgets for mental health on prevention and promotion. The remaining 96 per cent of financial resources goes to institutional mental health services, those programs and services for people who suffer from severe mental illness. It is estimated that from 3 to 5 per cent of Canadians have a serious mental illness, and we know for a fact that reforms to mental health systems in our country, which we referred to as the deinstitutionalization movement, have not been matched by the development of adequate community services.

Approximately 840,000 Canadians have serious mental disorders, specifically schizophrenia, personality disorders, manic depression or severe depression. Almost 1 million people. It is indeed a major health problem.

[Translation]

Unfortunately, mental illness is the subject of prejudices that can lead to fear, rejection and shame, and even prevent people suffering from mental illness from seeking help. Only a third of people with depression seek help. The very existence of prejudice contributes to the problem. It is only in trying to change attitudes to mental illness and by having respect for everyone, without exception, regardless of their incapacity, that we may come to grips with the obstacles created by prejudice. It is difficult to get a true picture of mental health, since each province has its own system of programs and resources. We need in Canada to better understand the scope of the problem.

The United States has a national mental health council, which has done national studies on the homeless and the mentally ill. In Canada, a third of the homeless have psychiatric problems. This is clearly a problem we should be studying on this side of the border, too.

[English]

• (1430)

Tomorrow, a Canadian film will premier in Montreal. It is entitled *Hire Learning*. This film follows three young adults who are economically and socially disadvantaged and who, with the help of a retraining program, manage to get back on track. Through their determination and resilience they are able to realize their aspirations. It is a film about hope, and it promotes the importance of mental health. It is indeed a celebration of Mental Health Week, and I urge you to see *Hire Learning* when it airs on Vision TV.

HEALTH

CHANGES TO NOVA SCOTIA PHARMACARE PROGRAM

Hon. Donald H. Oliver: Honourable senators, with National Health Day only a few days away, I thought it appropriate to call the attention of honourable senators to a situation that has developed in Nova Scotia which could very easily threaten the health of many seniors living there.

The Nova Scotia government decided to change its Pharmacare program as it relates to our senior citizens. In 1995, the provincial Pharmacare legislation required all seniors to join, and to pay an annual premium of \$215. While this made the plan universal, which might have been a worthwhile goal, it resulted in many seniors having duplicate drug coverage: one supplying retirees from organizations such as the public service with a drug plan under the Public Service Health Care Plan, and the new government-sponsored Pharmacare. This duplication of drug programs resulted in needless government expense.

The present government, in striving to save money, determined that, as of April 1, 1999, Pharmacare would no longer supply drug insurance to seniors who had private plans. It sounds acceptable so far. Unfortunately, the government forgot to ensure that the Public Service Health Plan was on side before venturing

into this territory. The Public Service Health Plan, and perhaps other private health plans as well, have refused to assume coverage.

I became so concerned about this issue that I wrote a letter to the editor of the *Halifax Chronicle-Herald*, deploring the situation in which many of our seniors in Nova Scotia now find themselves. Why are they being caught in a squeeze between the federal government employees' health plan and the provincial desire to reduce costs? Squabbling between two levels of government should not result in our senior citizens wondering how they will pay for expensive prescription medicine.

My letter to the editor elicited a response sent to me by Mr. Rex Guy, president of the Federal Superannuates National Association. His letter explained the untenable position in which seniors find themselves. He states that the issue between the province and the Public Service Health Care Plan has boiled down to who should be the first payer. Mr. Guy suggests that the optimum solution would be for Pharmacare to replace its premium with a combination of a deductible and an increased co-payment.

This is an issue which must be resolved, and resolved quickly. Surely pressure can be brought to bear on Treasury Board here in Ottawa, which administers the federal drug plan, to cooperate with the provincial governments on this matter. Those in their senior years have contributed much to the development of this country. They do not need the added worry at this time in their lives as to whether their sometimes costly prescription drugs will actually be covered by insurance.

ALBERTA

SHOOTING TRAGEDY AT W. R. MYERS HIGH SCHOOL IN TABER—MEMORIAL SERVICE FOR THE LATE JASON LANG

Hon. Joyce Fairbairn: Honourable senators, last week this chamber expressed its grief over the tragic shooting which took the life of one student and seriously wounded another at the W.R. Myers high school in Taber, Alberta.

Yesterday, I joined some 2,500 others at that high school for the memorial service for 17-year-old Jason Lang. In spite of the deep sadness, it was one of the most inspiring occasions I have ever witnessed. With music, words and prayer, the students, the citizens and the family said farewell to Jason. They left the service with a commitment to open their minds and their hearts in friendship and compassion so that at least some of the causes of this dreadful event will no longer have the ground in which to grow.

They were heard by Aline Chrétien, there because she wanted to be, and also there on behalf of the Prime Minister; Premier Klein and his wife, Colleen; Justice Minister Anne McLellan, Reform leader Preston Manning, provincial Education Minister Gary Marr, and the local members of Parliament Rick Casson, Monty Solberg, and the local MLA Ron Hierath. They listened. The students, led by Jason's father and mother and their family, pledged to take back their school from this violent act.

Honourable senators, as the students would say, Reverend Lang is "quite a guy." Immersed in his own personal grief at losing his son, he has nonetheless openly given strength and resolve to others in his hometown to ensure that, in his words, Jason's death will not have been in vain; that it holds a special meaning and will send a strong message to children and students, parents and teachers all across Canada.

His message is simple: The violence must end. The will to care for others must dispel the evil that took over the actions of the 14-year-old boy who has been charged with the shooting. Reverend Lang prayed for that boy and his family to have the spiritual strength and guidance to carry them through their very difficult challenges ahead. There was no animosity, honourable senators; only profound sadness.

He asked the students to make their school safe so that a child who perhaps does not wear the right kind of clothes, or is not good-looking, or is not a popular athlete would not be picked on by others. Instead, said Reverend Lang:

We can have a kid like that come into our school and be welcomed and cared for by other students. That would be awesome, and that would be radically different.

Honourable senators, in order for that to happen to our young people, they must have examples of those values built into their daily lives at the earliest possible age so that they will be able to counterbalance the strong, sharply defined influences which they see elsewhere, be they books, music, videos, movies, or the Internet.

We should all use the influence and the tools at our disposal to see that this leadership from a small town in Alberta causes changes to take place in actions and attitudes in our communities throughout our country.

Honourable senators, I cannot tell you how proud I am of the people of Taber and the example of strength, courage and compassion that they have offered to this country.

THE ECONOMY

CRITICISM BY NORTEL EXECUTIVES OF TAX BASE

Hon. Lowell Murray: Honourable senators, on April 18, Mr. Clive Allen, Vice-President, Legal Affairs of Nortel Networks Limited, made a speech in which he said that Canada's income taxes are too high compared to those in the United States, and that Nortel "owes no allegiance to Canada." He may be right about income taxes, but he is wrong about what Nortel owes Canada.

Nortel's corporate ancestors and Nortel's corporate siblings have done very well indeed out of Canadian regulatory and tax regimes, both federal and provincial, for many generations. They have done well out of a generally hospitable business, investment and immigration policy. They have done well, as have we all, out

of a democratic, generally uncorrupt political system, and a basically sound educational and social infrastructure.

I make these comments today mainly to say how happy I was to read in Friday's *Ottawa Citizen* that a Nortel shareholder confronted the company executives on this issue at the company's annual meeting last Thursday. The headline read:

Elderly Patriot scolds Nortel. "Incensed" shareholder challenges CEO for "gratuitous, nasty" remarks about Canada.

The article by journalist Karyn Standen reported that 72-year-old Mrs. Carmel Kristal of Brampton, Ontario, the owner of 60 shares in Nortel, admonished Mr. Allan and the Nortel Chief Executive Officer John Roth. "Why would you not like this wonderful country," she said.

• (1440)

Mrs. Kristal spoke for many Canadians; she certainly spoke for me. The news article reports that "her pointed comments elicited loud applause from the 200 shareholders at the meeting held at Nortel's Brampton Ontario headquarters."

As a footnote that may be of interest to several honourable senators, I should mention that Mrs. Kristal is a native of Cape Breton. She comes from a very well-known and respected Cape Breton family. Her late father, Dr. David Hartigan, was a member of the House of Commons for the constituency of Cape Breton South during the 1930s.

In giving voice to the sentiments of many Canadians on this matter, this so-called elderly patriot is following in a fine family tradition. She has earned our appreciation.

[Translation]

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

ANNUAL REPORT OF COMMISSIONER TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the annual report of the Commissioner of Official Languages for the calendar year 1998.

[English]

PRIVATE BILL

ALLIANCE OF MANUFACTURERS AND EXPORTERS CANADA— REPORT OF COMMITTEE

Hon. Michael Kirby, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, May 4, 1999

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TWENTY-FOURTH REPORT

Your Committee, to which was referred the Bill S-18, respecting the Alliance of Manufacturers & Exporters Canada, has examined the said Bill in obedience to its Order of Reference dated Tuesday, April 20, 1999, and now reports the same without amendment.

Respectfully submitted,

MICHAEL KIRBY
Chairman

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kirby, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

FOREIGN AFFAIRS

CHANGING MANDATE OF NORTH ATLANTIC TREATY ORGANIZATION—BUDGET REPORT OF COMMITTEE ON STUDY PRESENTED AND PRINTED AS APPENDIX

Hon. John B. Stewart, Chairman of the Standing Senate Committee on Foreign Affairs, presented the following report:

Tuesday, May 4, 1999

The Standing Senate Committee on Foreign Affairs has the honour to present its

ELEVENTH REPORT

Your Committee, to which was authorized by the Senate on Tuesday, March 23, 1999, in accordance with rule 86(1)h) to examine and report upon the ramifications to Canada: 1. of the changed mandate of the North Atlantic Treaty Organization (NATO) and Canada's role in NATO since the demise of the Warsaw Pact, the end of the Cold War and the recent addition to membership in NATO of Hungary, Poland and the Czech Republic; and 2. of peacekeeping, with particular reference to Canada's ability to participate in it under the auspices of any international body of which Canada is a member, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within and outside Canada for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of the Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOHN B. STEWART
Chairman

(For text of appendix, see today's Journals of the Senate, Appendix A, p. 1544.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stewart, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

CONSEQUENCES OF EUROPEAN MONETARY UNION—
BUDGET REPORT OF COMMITTEE ON STUDY
PRESENTED AND PRINTED AS APPENDIX

Hon. John B. Stewart, Chairman of the Standing Senate Committee on Foreign Affairs, presented the following report:

Tuesday, May 4, 1999

The Standing Senate Committee on Foreign Affairs has the honour to present its

TWELFTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 19, 1997, in accordance with rule 86(1)h) to study and report on the consequences for Canada of the emerging European Monetary Union and on other related trade and investment matters.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOHN B. STEWART
Chairman

(For text of appendix, see today's Journals of the Senate, Appendix B, p. 1550.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stewart, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, May 5, 1999, at 1:30 p.m.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

REPORTS OF CANADIAN DELEGATION
TO MEETING IN CAIRO, EGYPT, TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie and the related financial report.

The report relates to the meeting of the political committee held in Cairo, Egypt, on February 23 and 24, 1999.

[English]

SHIPBUILDING INDUSTRY

LACK OF GOVERNMENT SUPPORT—NOTICE OF INQUIRY

Hon. J. Michael Forrestall: Honourable senators, I give notice that on Thursday, May 6, 1999, I shall call the attention of the Senate to the federal government's lack of a national shipbuilding policy to support this industry with a view towards maintaining and advancing the degree of excellence and the technologies for which Canadians are historically renowned and in jeopardy now of losing.

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present a petition signed by 213 people who are members of the Ottawa branch of the Ontario Genealogical Society who petition the following:

We THE UNDERSIGNED wish to express our concern over the decision by Statistics Canada to not transfer the 1911 and subsequent census records to National Archives so

that they may be released to the public 92 years after the taking of the census, as provided for in Section 6 of the Privacy regulations.

We wish to have access to all census records so that we may continue to use this valuable resource to explore our roots, learn about our ancestors and write about them in family histories for our children and our children's children to see. We believe this is important for our societal values and will add to our Canadian heritage.

QUESTION PERIOD

IMMIGRATION

CONFLICT IN YUGOSLAVIA—REFUGEE QUOTA—
GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate.

Can the minister give the Senate an indication of the number of Kosovar Albanians who have been displaced from their country as of the commencement of the NATO bombing? Is it in the order of approximately 300,000?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, 300,000 to 400,000 would be an accurate figure. Roughly 400,000 refugees are still in Kosovo hiding and living under terrible conditions.

• (1450)

Senator Kinsella: Given that some 300,000 Kosovar Albanians have been displaced from their country, why is the Government of Canada giving so much publicity to Canada accepting a mere 5,000 refugees? This 5,000 seems to be hardly a drop in the bucket compared to 300,000. Where did this number of 5,000 come from?

Senator Graham: Honourable senators, my understanding is that that figure was suggested by the United Nations High Commissioner For Refugees, and was agreed to by Canada. However, that does not necessarily mean that if we reach the target of 5,000 refugees on Canadian soil we could not increase that figure. In other words, that is not necessarily a ceiling or a set figure. I am sure that if it were deemed desirable and necessary that Canada accept more refugees, the government would look favourably on such a proposal.

While I am on my feet, I should say that the first group of refugees, as all honourable senators know, will be arriving in Trenton today. This morning, the Minister of Immigration told me that 248 confirmed refugees were on their way to Canada — mostly women, children and grandparents — and she also said that 19 of those who had been chosen to be among the first to come had actually declined the invitation, having decided to stay close to their home.

NORTH ATLANTIC TREATY ORGANIZATION

CONFLICT IN YUGOSLAVIA—RELEASE OF AMERICAN PRISONERS—INCREASE IN BOMBING ACTIVITY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, over the weekend we all observed the success that the Reverend Jesse Jackson had in leading his delegation to Belgrade and securing the release of the three American soldiers. Reverend Jackson also observed, to his dismay, that upon the release of those prisoners the bombing seemed to have intensified. If I am correct, he used the phrase that there seems to have been a certain arrogance of power manifested by the NATO forces.

Did Canada participate in the decision to increase the bombing in light of the gesture of Yugoslavia in releasing the American prisoners?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as a member of NATO, Canada would have been a participant in that decision.

CONFLICT IN YUGOSLAVIA—RELEASE OF AMERICAN PRISONERS—POSSIBILITY OF PEACE TALKS—GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, I have a question for the Leader of the Government in the Senate.

The release of the three prisoners, brought about by the intervention of Jesse Jackson, is clearly a signal that the Milosevic regime is open to negotiation. We have also learned over the weekend of the growing possibility of an agreement on the composition of an international force in a self-governing Kosovo. President Clinton himself even hinted that a pause in the bombing may now be possible.

Is the Government of Canada, following the visit of Mr. Axworthy to Moscow last week, maintaining all diplomatic pressure for negotiations to begin? Is this not the ideal diplomatic time to improve the climate for negotiations by instituting a pause in the bombing?

Hon. B. Alasdair Graham (Leader of the Government): As the honourable senator would know, over the past week the Minister of Foreign Affairs has been pursuing the diplomatic track with the Russian foreign minister, the UN Secretary-General, as well as his counterparts in Greece and Macedonia. I understand that there is a possibility of meeting of G-8 foreign ministers later this week. We certainly welcome the efforts of the Russian special envoy, Viktor Chernomyrdin, to achieve a diplomatic settlement. We are looking forward to assessing the outcome of the discussions he had with President Clinton, and my understanding is that there has not yet been a total debriefing on those meetings.

President Clinton has not proposed a unilateral pause in the air campaign. However, he has said that a pause could be considered if we receive incontrovertible evidence that Milosevic has agreed to the conditions of NATO. As my honourable friend would

know, NATO seeks agreement on the five principles as an integral part of a settlement that would allow the refugees to return home safely. Those principles include an immediate end to the violence in Kosovo, the withdrawal of the Yugoslav security forces from the region, the safe return of the refugees, the deployment of a robust international military presence capable of guaranteeing the safety of the refugees, and the commitment of the Yugoslav authorities to pursue a negotiated settlement based on the principles of the Rambouillet agreement.

CONFLICT IN YUGOSLAVIA—PLIGHT OF REFUGEES

Hon. Douglas Roche: Honourable senators, has the Government of Canada determined a limit, or some other form of proportionality, to the suffering endured by countless innocent people both in Serbia and in Kosovo as a result of the bombing, a widespread suffering that has exceeded all the known rules of humanitarian law?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, naturally, no one wants the bombing to continue, as Senator Roche is aware. It is my hope that some kind of diplomatic solution can be found so that the bombing can be stopped.

As I just mentioned, the prime concern, when NATO set out on this mission, was to stop the ethnic cleansing and to help the people who are directly affected. It was determined by our allies that the air campaign was the best way of doing that, and we have reiterated our position time and again. Mr. Milosevic needs to provide, as I said, incontrovertible evidence that he is acting in accordance with the five principles which have been advanced by NATO and its allies. If those principles are followed, then I am sure, as was indicated two weeks ago in a resolution advanced in the European Community by Germany, that there would be a 24-hour halt to the bombing. However, that was not acceptable to Mr. Milosevic.

NATIONAL REVENUE

LOSS OF DISPOSABLE INCOME AS A RESULT OF TAXATION—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and relates to a response the Minister of Finance gave a couple of weeks ago to questions about the unfair tax system in Quebec. The minister ignored criticism of his own policies that may have been part of the problem. I should like to give the minister some facts from a hypothetical Nova Scotia case and ask him to comment.

• (1500)

Could the government leader confirm the following arithmetic for a Nova Scotia single mother, with four children, with taxable income of \$30,000 a year and who earns an additional \$100 extra by working overtime in the year 2,000? These figures, by the way, reflect recent tax and child benefit changes announced in the last budget. Number one is federal tax of \$26; two, provincial tax, 57.5 per cent of the federal tax, or \$14.95; three, EI and CPP premiums \$4.72 of personal tax credits; four, reduced national

child benefits of \$27.50; five, reduced Canada child tax benefits of \$5; six, reduced GST credits of \$5. The total of the above, Mr. Minister, is \$83.17, leaving \$16.83 net. I might add that I did not include any other charges that this person might pay, such as extra child care costs or deductions for employee benefits.

Can the minister confirm this arithmetic and advise this chamber as to whether the fault lies with the federal Liberal government, or whether the fault lies with the provincial Liberal government, or whether the fault lies with both governments?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I neglected to bring my calculator with me. I am sure Senator Oliver has done his math, and perhaps he will share it with me. I will certainly look at the record and determine just how he can square all of that with the tax system in Canada, in particular Quebec and Nova Scotia.

The reality is that all of the economic indicators in Canada are positive. Our real GDP rose 0.2 per cent in January. Canada has the lowest average business costs among the G-7 nations and enjoys a 7.8 per cent cost advantage over the United States. Personal disposable income growth strengthened to 3.5 per cent from only 1.1 per cent in the third quarter. I could go on and on.

Honourable senators, the economy is growing, the value of the dollar is increasing and interest rates have gone down. I believe they are down 25 basis points as of today. I share that information with my honourable friend for his edification, but I shall attempt to put my calculator to work tonight and see if I can come up with a more complete answer.

Senator Oliver: Honourable senators, I thank the honourable minister for his response, but it did not deal too much with the taxation issue.

I also realize that the example I gave occurs over a fairly narrow range of income for those with four or more children. However, why is it deemed acceptable that any Canadian face such a high effective marginal tax rate? That is the issue.

Senator Graham: As my honourable friend will know from the last two budgets, taxes are going down for all Canadians. The Minister of Finance has recognized that taxes are too high in this country. Now that we have the deficit under control and we have a surplus of \$3.5 billion, as indicated in the last budget, Canada is on the march. We will attempt, over time, to address all of the problems, not necessarily reaching a perfect world that might be hoped for by all honourable senators, but by looking after the people of this country, no matter where they live.

[Translation]

NATIONAL DEFENCE

EFFECT OF BUDGET CUTS ON PEACEKEEPING MISSIONS— GOVERNMENT POSITION

Hon. Fernand Roberge: Honourable senators, last Friday, the *National Post* reported that it had learned, through confidential

documents, that the financial situation of the Canadian Armed Forces was such that the Department of National Defence was getting ready to sell our NATO allies very sophisticated military equipment and over 700 armoured troop carriers. It was also going to have to sell off several aircraft used for monitoring Canadian waters, transportation, and pilot training. The purpose of these extreme measures was to offset the heavy cuts in the defence budget for the maintenance and purchase of equipment and to keep our army operational.

In this connection, the Auditor General of Canada warned the federal government a few months ago that the money needed for additional Canadian Armed Forces equipment in the coming years would exceed the existing budget of the Department of National Defence by \$4.5 billion.

Given the sad state of Canada's Armed Forces, does the Leader of the Government agree that Canada will no longer be able, in the medium term, to play an active role in peacekeeping missions, and that this will ultimately have a major impact on our country's ability to play a key role in the resolution of regional or international conflicts, or keep up our membership in military organizations such as NATO?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, on the contrary, Canada continues to be the leading country in the world when it comes to peacekeeping. Our excellent record stands and it continues to grow. The fact that we are able to participate in the present conflict in Kosovo and the Republic of Yugoslavia is an indication that Canada's military is in good shape.

The Minister of National Defence announced recently some \$300 million to improve living conditions for our Armed Forces personnel. It is a matter of course over a period of time to dispose of equipment regarded as no longer useful to the Armed Forces. It has nothing to do with a lack of or the need for money that might be realized from the sale of that equipment.

AWARDING OF CONTRACT FOR REPLACEMENT OF SEA KING HELICOPTERS—REQUEST FOR INFORMATION

Hon. J. Michael Forrestall: Honourable senators, it is on the same issue of equipment that I rise. The Minister of National Defence said recently that we must proceed this year respecting the directive to the Department of National Defence for replacement of shipborne helicopters. Inasmuch as the technical requirements and physical capabilities of the new helicopter have virtually been completed, it will not cost anything to now instruct the Department of National Defence to issue a proposal, together with the specifications, for shipborne helicopter acquisition.

Can the minister tell us if he knows anything about the date or which this initiative will proceed? He is aware that it has been 1,429 days since I first asked this question.

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, I believe that question was addressed at the briefing held last week by the Minister of Foreign Affairs and Minister of National Defence in relation to the Kosovo situation. I believe Senator Forrestall was there and heard that the Minister of National Defence received regular encouragement from the Leader of the Government in the Senate with respect to the replacement of the maritime helicopters, the Sea King helicopter specifically. The government remains committed to ensuring that the Canadian forces have the equipment they need to carry out their missions at home and abroad.

The maritime helicopter is a core project within the Department of National Defence. At this time I can say, without giving a specific date because I do not know the date, that the department is in the final stages of the development of a procurement strategy.

Senator Forrestall: The Sea King, I might add, has performed admirably.

Those gathered at the cenotaph on Sunday saw a Sea King drop a wreath on behalf of all Canadians to commemorate the Battle of the Atlantic and those who died in the waters of the Atlantic Ocean.

Is it fair to suggest that it would not cost anything to release the specifications and the request for proposals of interest from the helicopter industry?

• (1510)

Senator Graham: Honourable senators, once again I should be happy to bring Senator Forrestall's representations to the attention of the Minister of National Defence.

It was a very moving moment, I thought, when we were there together at the Battle of the Atlantic commemorative ceremonies in Point Pleasant Park, overlooking Halifax harbour. The Armed Forces, including the Minister of National Defence and the Chief of the Defence Staff who was present at a meeting this morning, are somewhat pre-occupied with other events elsewhere in the world. However, I will, as always, bring Senator Forrestall's representations to attention of the Minister of National Defence.

Senator Forrestall: Honourable senators, I have a final supplementary question. I hesitate to raise this matter, but we have had yet another incident with the Sea King. While it was not an emergency in that a safe landing was made and no injuries or anything else resulted, the fact is that precautionary action was required by standard procedure just yesterday.

The Minister of National Defence was very much up front about the representations made by the Leader of the Government in the Senate. I, for one, respect that, and I know that members of the Canadian Armed Forces in the Atlantic area — that is, Atlantic Command and Maritime Command — appreciate it very much. However, the fact is that those planes are old, and some visible sign that we intend to act should be taken, now that we can do it without any great cost to the treasury. Perhaps the

minister might agree that this is the time to urge the minister to get on with it.

Senator Graham: Honourable senators, there is no question about it. I have met with some of the people who maintain the Sea Kings. Some of these people, as I have said before, confirm that the only thing from the original Sea Kings that remains is the serial number. Everything else is new.

The emergency landing to which Senator Forrestall referred was a precautionary measure taken after a caution light turned on in the cockpit. The pilot was in control of the situation and landed without incident.

NATIONAL REVENUE

STATEMENTS BY PRIME MINISTER AND MINISTER OF INDUSTRY ON
TAX POLICY—REQUEST FOR CLARIFICATION

Hon. David Tkachuk: Honourable senators, I have a question for the Leader of the Government. Last week, Honourable Minister Manley stated that perhaps Canadian tax rates should more closely resemble those of the United States, both corporate and personal. The other day, he was seemingly contradicted by the Prime Minister. However, in reading the article, I was not quite sure exactly what the Prime Minister said.

Could the minister clarify the position of the Prime Minister as it relates to Mr. Manley's statement?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I agree unequivocally with the Prime Minister.

Senator Tkachuk: Honourable senators, I am sure the minister agrees. If he did not, I am sure there would be honourable senators here who would. However, I should like the minister to tell us what the Prime Minister's position is and, perhaps, the position of the government.

Senator Graham: Honourable senators, I have indicated already that the government recognizes that taxes are too high. Taxes have been lowered in the last two budgets, and efforts and commitments have been made to lower them further.

I am sure that this government, which has lived up to all of its commitments, will, in the coming months, take further measures to lighten the burden of taxation in our country.

Senator Tkachuk: Honourable senators, I note the Leader of the Government has said that. However, Mr. Manley is not a back-bench MP. He is a senior minister in the Government of Canada who is talking about tax policy, but his message is not the same as the one the Prime Minister is giving. Is Mr. Manley wrong in what he stated, or does he not know the policy of the government?

Senator Graham: Honourable senators, I think that Mr. Manley was expressing a view that taxes are too high. It is a statement I have made and which I think all honourable senators and all members of the government would agree with.

The Prime Minister has said that measures have been and will be taken to ensure that the economy grows. I indicated earlier that the dollar is going up, and interest rates have gone down more than 25 basis points today. All the economic indicators are positive.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on February 18, 1999, by the Honourable Senator J. Michael Forrestall, regarding the Search and Rescue Program, Maintenance Program for Sea King Helicopters, Contingency Plans in Event of Failure; a response to a question raised in the Senate on April 20, 1999, by the Honourable Senator Donald H. Oliver, regarding the Auditor General's report and Comments on Underground Economy; a response to a question raised in the Senate on April 20, 1999, by the Honourable Senator Fernand Roberge and by the Honourable Senator Pierre Claude Nolin, regarding the Conflict in Former Yugoslavia, Funding for Humanitarian Military Initiatives; and a response to a question raised in the Senate on April 20, 1999, by the Honourable Senator A. Raynell Andreychuk, regarding the World Trade Organization and Support for China's Application.

NATIONAL DEFENCE

SEARCH AND RESCUE SERVICE—NUMBER OF EMERGENCY HELICOPTER LANDINGS—REQUEST FOR TABLING OF LIST

(Response to question raised by Hon. J. Michael Forrestall on February 18, 1999)

The *Pilot's Check-List CH 124 Sea King Helicopter* defines the following three types of responses to an emergency situation:

1. LAND AS SOON AS PRACTICABLE: means that extended flight is not recommended; the landing site and flight duration are at the discretion of the aircraft captain. (These types of landings are referred to as precautionary landings.)

2. LAND AS SOON AS POSSIBLE: means that continued flight is not recommended; land at the first site at which a safe landing can be made. (These too are precautionary landings, but with a shorter response time recommended.)

3. LAND IMMEDIATELY: means that an immediate landing / ditching is mandatory. The consequences of continued flight are more hazardous than those of landing at a site normally considered unsuitable.

This third situation is the response to a condition that is immediately life threatening.

"Emergency landing" is normally understood as a situation when immediate landing or ditching is mandatory.

DND records of Sea King incidents indicate that premature mission termination occurred 97 times between 01 Jan 97 and 16 Mar 99:

NUMBER OF		
PREMATURE		
MISSION		
YEAR	TERMINATIONS	TYPES OF RESPONSES
1997	35	28 — landing as soon as practicable
		7 — landing as soon as possible
		0 — land immediately
1998	58	56 — landing as soon as practicable
		2 — landing as soon as possible
		0 — land immediately
1999	4	3 — landing as soon as practicable
		1 — landing as soon as possible
		0 — land immediately

In addition, the A-GA-135 Manual of Flight Safety for the CF states that Flight safety is based on the fact that eliminating the accidental loss of aviation resources is a major factor in maintaining operational capability, which is vital to mission accomplishment in the CF. Orders and standards for operational and support personnel are, for the most part, developed out of concern for the safety of people and equipment. These standards represent levels of risk which are considered acceptable and practical for the full spectrum of CF activities from peacetime training to wartime operations. Thus, consistent with this philosophy, all of the listed situations were treated as potentially serious or serious and resulted in the prudent discontinuation of the mission thereby preserving operational capability.

NATIONAL REVENUE

AUDITOR GENERAL'S REPORT—COMMENTS ON UNDERGROUND ECONOMY—GOVERNMENT POSITION

(Response to question raised by Hon. Donald H. Oliver on April 20, 1999)

In November 1993, Revenue Canada announced a strategy to deal with the growing problem posed by the underground economy, the size and attendant tax implications of which continue to be the subject of a variety of estimates. This strategy remains multi-dimensional in nature and aims to strike an effective balance between activities to encourage voluntary compliance and direct enforcement activities.

In his recent report, the Auditor General has recognized the difficulties inherent in measuring the overall results achieved through the various activities which comprise the Underground Economy Initiative. Only one element of the Department's strategy to deal with the underground economy involves enforcement actions where the direct tax impact can be readily assessed. The Department has reported that its efforts from both regular and Initiative activities to combat the underground economy over the past five years have resulted in a tax impact of \$2.5 billion, a breakdown of which is provided in Exhibit 2.4 of the Auditor General's report. As illustrated in this exhibit, the tax impact related to one of these activities, Revenue Canada income tax and GST audits under the Underground Economy Initiative, is \$500 million, which includes reassessments involving both unreported income and technical matters. The Auditor General has recommended that the Department take steps to measure more precisely the amount of tax that is reassessed and collected from the additional gross income identified by its Underground Economy Initiative and non-Initiative enforcement activities.

Other elements of the Department's strategy to deal with the underground economy include education, community visits, social marketing research and consultations with trade associations and the provinces. However, quantifying the impact of these elements on compliance is very difficult for Revenue Canada or any other tax administration. For example, the degree of behavioural change achieved through educational or social marketing activities cannot be easily assessed, nor readily separated from the impact of other factors, such as the state of the general economy. Anecdotal evidence obtained through consultation with stakeholders suggests that the Department's efforts are having a positive impact. Evaluation questionnaires completed by high school and college students indicate that Revenue Canada presentations on the underground economy are effective in getting students to think seriously about

their roles as future taxpayers contributing to services provided through taxes.

Revenue Canada agrees with the Auditor General's observations regarding the need to improve how it measures the results achieved by its Underground Economy Initiative. As recommended by the Auditor General, the Department will be taking steps to enhance its ability to assess the performance of its Initiative in combating the underground economy. These steps include the implementation of additional performance indicators in order to more fully gauge the results of the complete range of Underground Economy Initiative activities on compliance, the implementation of a core audit program which will improve the Department's ability to assess the performance of all its enforcement activities, including those falling within the domain of the Underground Economy Initiative, and the examination of ways in which departmental information systems might be modified to record more precisely the additional unreported income identified through its enforcement activities.

TREASURY BOARD

CONFLICT IN FORMER YUGOSLAVIA—FUNDING FOR HUMANITARIAN AND MILITARY INITIATIVES—REQUEST FOR INFORMATION

(Response to questions raised by Hon. Fernand Roberge and Hon. Pierre Claude Nolin on April 20, 1999)

To this point, the cost of Canadian Forces air operations in response to the crisis in Kosovo has been \$32.4 million. The Department of National Defence estimates that the incremental cost of deploying 800 peacekeeping personnel to Macedonia for six months will be \$82 million.

CIDA has committed \$52 million in humanitarian assistance since the crisis began.

The Department of Foreign Affairs has spent an estimated \$2 million to establish a presence in Albania and Macedonia.

The Department of Citizenship and Immigration has spent approximately \$3 million in support of family unification and special needs resettlement programs.

These costs will continue to accumulate over time. Departments will cash-manage these expenditures for the time being, and will be reimbursed from central sources later on this year.

FOREIGN AFFAIRS

[English]

WORLD TRADE ORGANIZATION—
SUPPORT FOR CHINA'S APPLICATION—GOVERNMENT POSITION

(Response to question raised by Hon. A. Raynell Andreychuk on April 20, 1999)

Canada's position on China's accession remains unchanged: we strongly support the accession provided that China accedes on terms that strengthen, not weaken, the WTO.

We have agreed in principle on goods, and have moved substantially closer to full agreement on services. These negotiations will be intensified over the next few weeks so that we can quickly reach full agreement. Human rights were not discussed, as the WTO is not the appropriate forum for this issue.

Canada is a member of the WTO's Working Party on China's accession. When a country wishes to accede, it engages both in multilateral discussions in the Working Party, and in bilateral market access negotiations with individual Working Party members. It is on this latter basis that the recent negotiations in Ottawa took place.

No one acts as a guarantor for countries wishing to accede. The Working Party will decide by consensus when it is satisfied China is ready.

[Translation]

PAGES EXCHANGE PROGRAM
WITH THE HOUSE OF COMMONS

The Hon. the Acting Speaker: Honourable senators, I should like to introduce to you the pages from the House of Commons who are here on the Pages Exchange Program: Nadine Rockman, from Montreal, who is enrolled in the Faculty of Arts at Carleton University, in political science.

[English]

Erin Mansfield is studying accounting at the Faculty of Administration of the University of Ottawa. Erin is from Upper Sackville, Nova Scotia.

[Translation]

Welcome to the Senate.

ORDERS OF THE DAY

EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Pearson, for the third reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence,

And on the motions in amendment of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., that the Bill be not now read a third time but that it be amended:

1. in clause 44:

(a) by replacing lines 28 and 29 on page 17 with the following:

"circumstances;

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner; or

(c) the request for extradition is made for"; and

(b) by replacing lines 1 to 6 on page 18 with the following:

"(2) Notwithstanding paragraph (1)(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances."

2. in Clause 2 and new Part 3:

(a) by substituting the term "general extradition agreement" for "extradition agreement" wherever it appears;

(b) by substituting the term "specific extradition agreement" for "specific agreement" wherever it appears;

(c) in clause 2, on page 2

(i) by adding after line 5 the following:

““extradition” means the delivering up of a person to a state under either a general extradition agreement or a specific extradition agreement.”;

(ii) by deleting lines 6 to 10;

(iii) by replacing line 11 with the following:

“ “extradition partner” means a State”;

(iv) by adding after line 15 the following:

“ “general extradition agreement” means an agreement that is in force, to which Canada is a party and that contains a provision respecting the extradition of persons, other than a specific extradition agreement.

“general surrender agreement” means an agreement in force to which Canada is a party and that contains a provision respecting surrender to an international tribunal, other than a specific extradition agreement.”;

(v) by replacing lines 20 and 21 with the following:

“ “specific extradition agreement” means an agreement referred to in section 10 that is in force.

“specific surrender agreement” means an agreement referred to in section 10, as modified by section 77, that is in force.”;

(vi) by replacing lines 29 to 31 with the following:

“jurisdiction of a State other than Canada; or

(d) a territory.

“surrender partner” means an international tribunal whose name appears in the schedule.

“surrender to an international tribunal” means the delivering up of a person to an international tribunal whose name appears in the schedule.”

(d) on page 32, by adding after line 6 the following:

“PART 3

SURRENDER TO AN INTERNATIONAL TRIBUNAL

77. Sections 4 to 43, 49 to 58 and 60 to 76 apply to this Part, with the exception of paragraph 12(a), subsection 15(2), paragraph 15(3)(c), subsections 29(5), 40(3), 40(4) and paragraph 54(b),

(a) as if the word “extradition” read “surrender to an international tribunal”;

(b) as if the term “general extradition agreement” read “general surrender agreement”;

(c) as if the term “extradition partner” read “surrender partner”;

(d) as if the term “specific extradition agreement” read “specific surrender agreement”;

(e) as if the term “State or entity” read “international tribunal”;

(f) with the modifications provided for in sections 78 to 82; and

(g) with such other modifications as the circumstances require.

78. For the purposes of this Part, section 9 is deemed to read:

“**9.** (1) The names of international tribunals that appear in the schedule are designated as surrender partners.

(2) The Minister of Foreign Affairs, with the agreement of the Minister, may, by order, add to or delete from the schedule the names of international tribunals.”

79. For the purposes of this Part, subsection 15(1) is deemed to read:

“**15.** (1) The Minister may, after receiving a request for a surrender to an international tribunal, issue an authority to proceed that authorizes the Attorney General to seek, on behalf of the surrender partner, an order of a court for the committal of the person under section 29.”

80. For the purposes of this Part, subsections 29(1) and (2) are deemed to read:

“**29.** (1) A judge shall order the committal of the person into custody to await surrender if

(a) in the case of a person sought for prosecution, the judge is satisfied that the person is the person sought by the surrender partner; and

(b) in the case of a person sought for the imposition or enforcement of a sentence, the judge is satisfied that the person is the person who was convicted.

(2) The order of committal must contain

(a) the name of the person;

(b) the place at which the person is to be held in custody; and

(c) the name of the surrender partner."

81. For the purposes of this Part, the portion of paragraph 53(a) preceding subparagraph (i) is deemed to read:

"(a) allow the appeal, if it is of the opinion"

82. For the purposes of this Part, paragraph 58(b) is deemed to read:

"(b) describe the offence in respect of which the surrender is requested;" and

(e) by renumbering Part 3 as Part V and sections 77 to 130 as sections 83 to 136; and

(f) by renumbering all cross-references accordingly."

Hon. A. Raynell Andreychuk: Honourable senators, as a relatively new member of the Standing Senate Committee on Legal and Constitutional Affairs, I am pleased to see the care and intense scrutiny bills receive. Bill C-40 was no exception. However, I welcome the debate that Senator Grafstein's amendments have generated here in the chamber. Few issues have troubled me more, and I value the input of all colleagues who have spoken.

Issues touching human rights and fundamental freedoms are never easy or clear cut in this conflicted world, producing situations that are complex, intricate and contradictory. The real challenge for an individual, legislature or any country is to promote and observe human rights and fundamental freedoms. I know that this is not always possible due to the competing rights in this flawed global village. Choices are often between small incremental steps or absolute adherence. One need only to be reminded of South Africa and the apartheid debate to make these two points.

The Universal Declaration of Human Rights, however, recognizes in the preamble that a common understanding of these rights and freedoms is of the greatest importance to the full realization of universal respect for and observance of human rights and fundamental freedoms. It is in fact this common understanding that this debate in the Senate furthers.

• (1520)

Senators Joyal stated that if we have serious grounds to believe that the provisions contained in Bill C-40 are fundamentally unsound from a human rights perspective, then we have a duty to amend the bill. I agree. However, he later stated that if the amendments were to be rejected, critics could somehow question with skepticism our decision to establish a permanent committee

on human rights, and would likely dismiss the initiative as a cynical public-relations exercise. I hope that I am misunderstanding his intent, for surely whether we accept or reject the amendments is not the issue but, rather, that we place paramount weight on human rights perspectives and sound legislation.

I welcome Senator Joyal's reasoned approach for the establishment of a human rights committee and concur with his assessment that it would give us a focus to scrutinize both our national and our international human rights obligations. In fact, on this issue of sanctity of life, capital punishment is but one issue. The moral dilemma of war, the starving children who die around the world, the thousands of women who die needlessly in childbirth, the thousands who die from malnutrition and curable diseases also count in the sanctity-of-life debate. Do we, as Canadians, water down the sanctity of life when we allow these deaths to happen? Have we violated our undertakings under the International Covenant on Economic, Social and Cultural Rights? Are we inconsistent when we reduce our aid commitments, or when we turn a blind eye to persistent human rights abuses by other countries? There is much that could be accomplished by a human rights committee to try to bridge the gap between the ideals of the Universal Declaration on Human Rights and the reality of our situation.

I turn now to the issue of whether Canada violates its international obligations by way of Bill C-40. Senator Beaudoin had indicated that he wished to hear several comments from me, and I would make the following observations:

Article 1 of the International Declaration of Human Rights states:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 3 states:

Everyone has the right to life, liberty and the security of person.

The right to life, therefore, and the security of person are equated as general common standards of achievement for all peoples and all nations.

Senator Joyal quoted two articles from the International Covenant on Civil and Political Rights, and I wish to elaborate on them. First he quoted Article 6 which states:

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

I believe "arbitrarily" is the operative word.

However, this is but subparagraph 1 of Article 6, and, therefore, it is instructive to understand Article 6 in full.

Subparagraph 2 begins as follows:

In countries which have not abolished the death penalty...

and then it goes on to indicate in subparagraphs 2, 3, 4 and 5 — and I will not take the time to read them, as I am sure many of you have read them already — the methods by which a life can be taken if a death penalty is in place. Therefore, honourable senators, I believe the International Covenant on Civil and Political Rights understands the frailty of our world today, despite the ideals that we are reaching for.

Article 6.6 also puts a duty on all of us. Following those death penalty exceptions and conditions, it states:

Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Therefore, I believe the drafters of the universal declaration and the International Covenant on Civil and Political Rights understood how difficult this issue is. Paramount is the right to life. We acknowledge the existence of the death penalty in some cases but we are all charged with attempting to eliminate its use.

One can easily see that Article 6 is not a direct and absolute protection for the inherent right to life but has been qualified, acknowledging the existence of the death penalty, and it goes on to state the standards to be adhered to. Therefore, I find nothing in the international law that absolutely prohibits the use of the death penalty.

What the universal declaration sets as a goal is the ideal of the right to life, but recognizes, in my opinion, two realities: First, in Article 1 of the declaration, it recognizes that all human beings do not act as they should. Second, it therefore acknowledges and provides for the deprivation of life, but states that it shall be done in a humane manner, and not arbitrarily. I will return to this later.

The United Nations Human Rights Committee was established in 1966 to monitor the implementation of the International Covenant on Civil and Political Rights and the protocols to the covenant in the territory of the state parties. The human rights committee is composed of 18 independent experts who are persons of high moral character and recognized competence in the field of human rights. It is also considered important to have some people sitting on the committee who have legal experience. Committee members are elected by state parties to serve in their personal capacity.

May I say, as an aside, that in my years as the personal representative of Canada to the Human Rights Commission I could not always come to the conclusion that committee members spoke in their personal capacities. I can only hope that there has been change to the positive since then.

The committee's concerns, suggestions and recommendations to the state party may be reproduced in the committee's annual report to the United Nations General Assembly. Therefore, there

is no formal enforcement mechanism in place to ensure that the recommendations of the committee are carried out.

In addition, the committee on human rights is not binding in international law, nor is it to be construed as a tribunal or a court of law. It is, however, hoped that states would take note of, and be morally persuaded by, their opinions. I will not go into Canada's status as a signatory to the optional protocol, as that issue was dealt with in questions on previous debate.

I wish to turn to the Charles Ng case, which he appealed to the human rights committee. The majority opinion stated as follows, in what I consider to be the most relevant paragraphs, being paragraphs 15.6 and 15.7:

While States must be mindful of their obligation to protect the right to life when exercising their discretion in the application of extradition treaties, the Committee does not find that the terms of article 6 of the Covenant necessarily require Canada to refuse to extradite or to seek assurances. The Committee notes that the extradition of Mr. Ng would have violated Canada's obligations under article 6 of the Covenant if the decision to extradite without assurances had been taken summarily or arbitrarily. The evidence before the Committee reveals, however, that the Minister of Justice reached his decision after hearing extensive arguments in favour of seeking assurances. The Committee further takes note of the reasons advanced by the Minister of Justice in his letter dated 26 October 1989 addressed to Mr. Ng's counsel, in particular, the absence of exceptional circumstances, the availability of due process and of appeal against conviction and the importance of not providing a safe haven for those accused of murder.

Article 15.7 of their opinion states:

In the light of the above, the Committee concludes that Mr. Ng is not a victim of a violation by Canada of article 6 of the Covenant.

The majority opinion of the human rights committee went on to state that Canada had not violated Article 6 but, in fact, had violated Article 7 of the covenant which states:

• (1530)

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

To summarize the reasons, they indicated that it was not the death penalty that was cruel, inhuman or degrading treatment or punishment, but that the method of execution, by the use of gas asphyxiation, was cruel and unusual punishment. As senators might note, at the time, the law of the State of California, the state seeking extradition, employed only the use of gas in the death penalty.

It is instructive to note two things. In the dissenting decision of Mr. Kurt Herndel, he stated that he disagreed with the committee because:

...there are no secured elements to determine that execution by gas asphyxiation would in itself constitute a violation of Article 7 of the Covenant.

It should be noted that this was the first human rights committee opinion that dealt with the method of execution and Article 7 of the covenant. It would be appropriate to acknowledge that when the Charles Ng and Joseph Kindler cases were being determined in Canada, the Canadian government would not have had the benefit of the views of the Human Rights Committee.

It is also worthy to note that following the decision of the Human Rights Committee in the *Ng* case, the Government of the United States informed Canada that the law of the State of California has been changed to provide that an individual sentenced to capital punishment could choose between gas or lethal injection.

I would urge all senators to read the Human Rights Committee decision to see that their preoccupation was not with the absolute taking of life but with the methodology. I can only state that we still have a long way to go in international law.

Further, the Covenant on the Rights of the Child states that a child should be defined as someone below the age of 18. Article 6(5) of the International Covenant on Civil and Political Rights notes that the sentence of death shall not be imposed for crimes committed by persons below 18 years of age.

Therefore, in my opinion, the minister's discretion must take into account the responsibility to ensure that human rights safeguards are taken into account and that international covenants are upheld. I believe that they in fact have been.

Senator Joyal has eloquently reminded us of the compelling reasons that led Canada to abolish the death penalty. Bill C-40 is not a reopening of the discussion of the death penalty in Canada. That debate already took place in Parliament, and I for one do not wish to reopen the debate at this time.

At stake in Bill C-40, in my opinion, are two issues. First, if extradition involves returning an individual to a state that has the death penalty, what is the best procedure and the one most consistent with our national values and laws?

Senator Grafstein's amendment at first seems preferable to the procedure in Bill C-40 for its consistency and for its adherence to the abolition of the death penalty here and elsewhere, and hence, no watering down. However, other senators —

The Hon. the Acting Speaker: I regret to interrupt the honourable senator but her time has expired.

Is leave granted for the honourable senator to continue?

Hon. Senators: Agreed.

Senator Andreychuk: Other senators in this chamber have rightly pointed out that under Bill C-40, the minister, under the exercise of certain procedures, has the discretion to allow extradition to a country that utilizes the death penalty. Under the amendment, the minister's discretion is taken away but may be given back if the requesting state agrees not to impose the death penalty. I understand that those proposing the amendment believe that if one looks historically particularly to the United States, they have always yielded and given assurances, and therefore we would not be at risk. However, I am troubled because past history is not a good indicator in this case. The American public outcry for a return of the death penalty may in the future outweigh the assurances and the need to bring back someone for punishment. I am not so certain that for today history will be a good extrapolation of the future, because there is a growing trend within certain states of the United States toward lifting moratoriums against executions, and there is an increase of executions overall. These trends do not quiet my fears about the actions of officials in the United States, given political pressure. In fact, it has not been fully stated that there is sufficient discretion in the powers of the United States to give these assurances now, let alone in the future. Further, the trend to harsher sentences is a fact in Canada, and I am not even comforted by Canada's trends towards more severity, much less the U.S. trends.

A second issue troubles me. Where do we want our discretion to rest: with Canadian officials, or with American officials? My inclination is that Canadians are best served by leaving the discretion in the hands of the Canadian Minister of Justice, who is accountable to the Canadian parliamentary system. The Minister of Justice here is not just another minister. The Minister of Justice has a special status and a special obligation. That obligation is even above those of the Prime Minister, for the Minister of Justice is responsible for upholding the laws of Canada with all that that means, both nationally and internationally. To have a greater trust that the requesting states' officials will do the right thing, especially since they still cling to the death penalty, seems to me to be misplaced.

On the other hand, if Bill C-40 is adopted, specific considerations, including human rights safeguards for the Minister of Justice in deciding whether to surrender the person sought, should be made paramount. In that they are not explicitly stated, and I think they could have been more broadly stated, I have some concern. I believe that this flaw within the bill is one that we can influence more readily if the discretion lies here.

A further concern I have is that while the greatest preoccupation is with the United States, Canada has some 50 other extradition treaties. We must also take into account these countries and our consistencies in dealing with them, as well as with the United States. Would we be so readily able to receive assurances from these other states?

Another problem is that there are competing interests here, and this is my most fundamental problem with the amendment. On the one hand, we want to be consistent in our stance against capital punishment. We do not want to be seen to be inconsistent in what we do in Canada and in our extradition policy. However, if we cannot extradite to a country that employs the death penalty, we are obliged to set the person free. The only other means to ship this person back to the United States, for example, is to do indirectly what we cannot do directly and that person would be facing the death penalty anyway.

On the other hand, if the right to life is our ideal, fundamental value, and if the Universal Declaration of Human Rights states in Article 3 that everyone has the right to life, liberty, and the security of person, the duty of the state is to uphold that right. However, whose rights are we protecting? It is only the person awaiting extradition, or is it all those possible innocent victims who will fall to this person if he is set free in Canada? Whose life is more valuable? The answer, of course, is neither.

Article 1 of the Universal Declaration states:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

If one were to allow a Charles Ng or a Joseph Kindler free, would they respect Article 1? How would we face the family or the friends of any future victims? How would we face our conscience and those who may find themselves to be in the wrong place at the wrong time? How do we shelter and shield these people from harm?

• (1540)

I believe a state has a duty to protect its citizens from known harms. To release an Ng to the streets would foreseeably lead to harm to innocent people. I believe the threat is real and that the majority judgment in the *Kindler* case was right when it stated:

The Government has a right and duty to keep criminals out of Canada and to expel them by deportation. Otherwise Canada could become a haven for criminals. The issue has arisen in several recent cases in relation to persons facing the death penalty for murder. Similar policy concerns apply to extradition. It would be strange if Canada could keep out lesser offenders but be obliged to grant sanctuary to those accused or convicted of the worst types of crimes.

The fact that it is not a Charter violation has been adequately covered by other senators. Thus, I will not go into that.

However, as an aside, what also concerns me is the effect this measure would have in the United States. It is generally the likes of Charles Ng who know how to cross the borders, who know how to articulate, manipulate and be dangerous. For those who populate prisons in the United States on death row, those who are less educated, poor and often from minorities, there is no escape. In fact, the cruel irony is that had they been equipped to run to

Canada, they would have escaped punishment. There is no such clemency for them. How do we square that?

I also place reliance on the judgment of Dean Anne La Forest who stated before the committee:

In my view, it is naive to suggest that a future Ng or Kindler will not come to Canada, if only to ensure escape from the death penalty.

I should like to turn to the other amendment moved by Senator Grafstein. It deals with a separate fast-track for those who appear before the two tribunals. I believe it is more appropriate to wait until the international court is in place, where there will be a proper, ongoing system with procedures, safeguards and processes. Canada should be part of the movement to facilitate that.

The two tribunals are still in the making. Those tasked with looking after the tribunals will have a way to go in ensuring that the hearings are fair. We must pay attention to the fact that these people being transported to the tribunals are, at this point, only alleged criminals. Therefore, they should receive a fair trial.

The signal to the international community is that our safeguards and processes, which are tried and true, would not apply to these people. While we might be able to come up with similar safeguards and processes, which is what I think Senator Grafstein is attempting to do, I believe we should put our energies not into the two existing tribunals for fast-tracking but into the international criminal court. The real issue is that we have taken entirely too long to set up any process for those two tribunals. In my opinion, it is a public and national shame that Canada is one of the countries that is only now working on any kind of extradition arrangement to these two tribunals.

Despite the high profile of these two tribunals and despite the fact that we sent Madam Justice Arbour in very curious circumstances, if I may say, the fact that we did not pass enabling legislation will come back to haunt us.

I take Bill C-40 as an interim measure, while we join with other states for more adherence to the ultimate goals to which we subscribe in the Universal Declaration of Human Rights. This is why it is so disappointing to have witnessed Canada's actions at the Human Rights Commission. Why was Canada not a leader in imposing Article 6 of the International Covenant on Civil and Political Rights? Why did not we lead the attack to abolish the death penalty? Why have we not put as a top priority in our discussions with the United States having them listen to our pleas for adhering to the goals of the universal declaration? Instead, we sit back. Again, we follow.

Once the European Community puts forward a resolution which suits their limited incremental gains, we will have to put in a paragraph to ensure that Bill C-40 is consistent with that resolution. To me, that is folly. It is neither good international law nor good national law. As the joint committee of the Senate and the House of Commons stated in its foreign affairs study, these days, national policy is international policy, and vice versa.

If we do not wish the death penalty, we should instruct our government today to be first in leading an attack against the death penalty.

Although we voted for this watered down resolution, it is a sad day for us. It would be better to have had some gains against the death penalty, in which case we might have adjusted Bill C-40 accordingly. Instead, we took the easy way out, which I believe is not in keeping with Canada's good record. It is one more reason for a committee on human rights in this place, to start addressing these problems.

If I could find a way out of jeopardizing the security of innocent Canadian citizens, I would favour at least the amendment which deals with the death penalty and extradition. To this point in time, I have not found a way out of the conundrum. Thus, Bill C-40 remains.

Hon. Jerahmiel S. Grafstein: Would the honourable senator permit several questions?

Senator Andreychuk: Yes, of course.

Senator Grafstein: The first concerns the fast-tracking with respect to alleged war criminals. The honourable senator and I are in fundamental agreement that, as the minister's officials agreed, there should be a smoother, faster track, but not right now. Their view is that we should wait until we are in Rome. The minister will agree with me that Rome was not built in a day.

How long does she anticipate we will have to wait before we see the reforms for the new tribunals as opposed to the existing tribunals? I ask the honourable senator that question in light of her experience not only as a senator, but on the international scene.

Senator Andreychuk: I thank the honourable senator for the question. It is a conundrum. It will take a long time and it will not be an easy task.

When one looks at how the international organization works, one sees that some of the countries are less than supportive of any international regime. Thank heaven for the likes of Václav Havel and people who are prepared to say to Canada that they will put their sovereignty aside for higher human rights values.

I hope it will be faster, although in practicality it will probably be longer. When our Minister of Foreign Affairs put considerable energy and finances into the landmines issue, it was accomplished incredibly quickly. I hope that all of us will press the government to put that same kind of energy into the international criminal court.

At this point, fast-tracking for the two tribunals would simply delay it further. It has been unconscionably delayed. I have assurances that we could move expeditiously within the existing extradition provisions to get alleged criminals to the tribunals. I respect the point of view of Senator Grafstein concerning how long it has taken to bring to justice other war criminals in Canada.

If we start another track, with all the bureaucracy that goes with it, I am not sure when it will get up and running.

• (1550)

We know what this one will do. The energies are there and I am hopeful that we will get the criminals there as quickly as possible. I believe that we do not disagree on the end result; we disagree on the methodology.

Senator Grafstein: I thank the senator for that. Essentially, one can conclude that there may very well be a *de facto* safe haven for alleged criminals if we cannot proceed expeditiously to implement the Rome Treaty into law, and that is a real possibility.

I will deal with the first issue: that is, removing from the minister the awesome discretion of deciding the question of life or death with respect to a fugitive or a convicted criminal. That is an awesome responsibility, and I think that Senator Andreychuk is quite correct in saying that the bill does not detail as many of the safeguards as she would like.

However, in her speech, at one point she said that, based on the anecdotal evidence she has received, at this moment there does not appear to be a clear or present danger with respect to cases where assurances will not be obtained.

Has Senator Andreychuk found any case that she can bring to the attention of the Senate in which the minister sought those assurances and the extraditing state refused to give them?

Senator Andreychuk: That is the conundrum in which I find myself, because those are not within the knowledge of the committee. Negotiations between two states are often confidential. We know only of the cases that have become public and have proceeded to extradition.

You may be right that I may not have made my point correctly. I may have a means of learning about the past, but the question is whether I want to leave that issue in the hands of American officials or others, or whether the discretion is more appropriately in the hands of the minister. I want to put more and more pressure on the minister because I think we can make the minister accountable: accountable in Parliament, accountable by passing amendments to the Extradition Act, and accountable by initiating other actions. I would not have the same political influence with another state. Had we such influence, we might have been more successful with the Americans on the issue of the death penalty.

Senator Grafstein: Honourable senators, I have one final question.

Senator Andreychuk referred to the *Kindler* and the *Ng* cases. The *Burns* and *Rafay* case was heard before the Court of Appeal of British Columbia. In the majority decision in that case, which is now before the Supreme Court, Mr. Justice McEachern quoted Mr. Justice Donald as follows:

The Minister appears to be stating policies to hold back an imagined parade of fugitive murderers in Canada. In doing so he set too high a test for the application of Article 6 of the Treaty.

This is not to be confused with the Declaration on Human Rights. He was talking here about Article 6 of the Canada-U.S. extradition treaty.

What does the honourable senator make of that? Does she agree with the Chief Justice of the British Columbia Court of Appeal on that?

Senator Andreychuk: Until the Supreme Court rules, I would not wish to comment on Mr. Justice McEachern's words. I can say that I give weight to two decisions, those being the decision of the Supreme Court in the *Kindler* case and the decision of Mr. Justice La Forest. It is a judgment call, and I do not apologize for the fact that I give more weight to those decisions. To me, those authorities are more compelling at this moment. We will await the outcome of the Supreme Court decision.

Hon. Anne C. Cools: Honourable senators, this bill provides for the extradition of accused persons to the international tribunal. I am interested in the fate of those who are extradited.

When a suspected person has been extradited to the tribunal and is then acquitted, or the charges are dropped, can the tribunal extradite that person to a country that exercises the death penalty?

Senator Andreychuk: That is a very interesting question. I have not pondered it. My investigation, for the purposes of this inquiry and Bill C-40, was of the possibility to extradite. Therefore, I was weighing whether Senator Grafstein's suggested method of extradition was more appropriate.

I am not quite sure what would happen in such a case. However, I would be prepared to look into it and bring an answer.

That is precisely why I prefer our extradition. I do not know the full rules. In fact, I have looked for them and have not found them. They seem to be in the making.

Senator Cools: I am pleased with that response because I know that Senator Andreychuk has much experience in international affairs. No one has asked about the fate of individuals who are extradited to the tribunals once the tribunal's jurisdiction over them is exhausted. What happens to people in that instance?

As you know, there are ongoing trials and executions in Rwanda. This trial activity culminating in concurrent executions has been troubling to everyone. With Senator Andreychuk's experience in international affairs, could she shed some light on Canada's position on those trials and those executions in Rwanda? People working as defence counsel and in other

capacities for the tribunal are very concerned about individuals being extradited back to Rwanda.

Senator Andreychuk: We would exhaust the patience of senators if we went into that discussion. It is a separate issue. I would certainly entertain an inquiry into that as a separate issue.

However, it does not give me much confidence. While the tribunal is ongoing, Rwanda is the country that we want to work with us in respect of the ideals of human rights. Rwanda was one of the countries that voted against the resolution with regard to the death penalty last week, as watered down as it already is. That gives me some concern.

Senator Cools: We should be concerned because I believe that when the international tribunal was first instituted, Rwanda objected strongly because the tribunal was not to utilize the death penalty. These questions are large and complex.

Under the provisions of this bill, where and how would accused persons to be extradited be detained? Would they be detained in Canada? These are questions that should be foremost in our minds.

• (1600)

Senator Andreychuk: I am not sure where the question is leading because Bill C-40 and the amendments that we are addressing both contemplate extradition, therefore, it becomes an administrative matter of the point of holding. What is important to me is what principles will be utilized. I believe that the tribunals are under all of the principles and objectives that the declarations and international covenants state.

I am more comfortable on that basis, subject always, however, to the difficulties that practicality waters down our principles. In Canada we have certain rules, the International Red Cross have certain rules, there are rules for detaining prisoners, and we find ourselves with overcrowding situations and violating norms that have been set.

Equally, I am aware that the tribunal has had difficulties with that. I believe they are grappling with those difficulties, and that is why I say that they are bound by, and seem to be adhering to, certain principles that are universal, and it is, rather, a difficulty of implementation.

Senator Cools: I thank the honourable senator again. Such a tribunal has a limited instrumentality, and I believe it is far more limited than we recognize.

I asked this question last week and no one had the answer. Do you know if persons who are extradited to this tribunal have a right to trial by judge and jury?

Senator Andreychuk: I am not certain that it is a judge and jury, if you mean in the Canadian sense. There is a judicial body that sits, and whether the composition changes or not, I have forgotten. It is not a replica of the system we have here; it is more in keeping with what is contemplated for the international court.

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, I wish to begin by congratulating everyone who participated in this very important debate. Regardless of the position that one takes with respect to Senator Grafstein's amendment, it is clear that we have had one of the most engaging debates that I have heard since coming here some 27 years ago.

This debate challenges us to examine what distinguishes a civil society from a savage one. It provokes much soul-searching about how far civil society can go to protect itself without imperilling its essential humanity. As an unreformed and unrepentant abolitionist, these are questions that resonate strongly within me as a person.

I should like to begin my remarks by quickly reviewing the debate so far, with apologies to anyone who may feel that I have not given sufficient attention to their arguments. Third reading, as you will recall, began on April 14, with a very forceful speech by Senator Grafstein. At that time, he argued, and I quote:

In Canada, we fought the battle for the abolition of capital punishment decades ago. Yet we leave in this bill, approved by a committee of this chamber, a provision that allows the minister, if she or he chooses, to return an alleged criminal to a state that may have the death penalty to which that person would be subject.

Senator Grafstein then introduced an amendment that would prevent the extradition of anyone if the requesting country refused to promise not to impose capital punishment in the event of a finding of guilt.

Then, on April 20, Senator Bryden responded to Senator Grafstein's proposal. He argued that there were overriding policy considerations which required the Minister of Justice to continue to have the discretion to decide whether or not to extradite someone facing possible capital punishment. These policy considerations hinged on the reality of living next door and sharing a 3,000-mile unguarded border with a country where the death penalty exists in 38 states. Senator Bryden's conclusion was, and I quote:

By eliminating ministerial discretion and mandating assurances, we would be giving murderers seeking to escape the death penalty a strong incentive to come to Canada.

On the following day, April 21, Senator Beaudoin resumed the debate by describing how it was settled Canadian law that it was not a violation of the Charter to extradite someone facing possible execution. However, since this was, in his words, "a question of the very highest order because there is a relation to the death penalty," he was interested in receiving more information about whether Bill C-40 violates our international obligations.

Senator Fraser, following Senator Beaudoin, stated unequivocally: "I strongly oppose capital punishment." However, it was her view, as she stated:

We are legislators, not philosophers. We must try to pass laws that will function in the real world and that will serve the ends of justice in the real world, as best they can.

Senator Fraser worried that if the minister's discretion were removed, we would be creating a safe haven for murderers. In her words:

If we build that haven, they will come.

The following day, Senator Joyal spoke very eloquently in support of the amendment proposed by Senator Grafstein. He said:

Among the most important of all rights, the very first one, the one without which all the others are meaningless, is the fundamental right to life.

Senator Joyal argued further that to allow the extradition of a person in a case where the death penalty applies is tantamount to indirect reinstatement of the death penalty in Canada. Senator Joyal also put forward the strong proposition that Bill C-40 could place us in violation of our international obligations, citing the recent decision of the United Nations human rights committee on the Charles Ng case.

On April 27, Senator Cools entered the debate, expressing her concerns about the provisions of Bill C-40 permitting the extradition of individuals to non-state entities, such as international tribunals for alleged war crimes. She raised the point again today. In her view, the legislation could lead to the weakening of our common law traditions relating to the rules of evidence, and it was in this context that she was of the opinion that Senator Grafstein's amendments do not improve this bill.

The following day, debate continued, and we heard from Senator Pearson, who acknowledged the deeply-held principles underlying the amendment before us. Senator Pearson argued that an equally high principle for us as legislators was our fundamental responsibility to protect our own citizens. She said at that time:

I am convinced that the chances of making Canada a haven for the worst type of killer is a very real one...

On behalf of my fellow Canadians, and particularly the vulnerable young, I am not willing to take that risk.

• (1610)

In addition to these many thoughtful speeches, there have also been interventions by Senators Lynch-Staunton, Kinsella, Sparrow, Nolin, Louis Robichaud, Oliver, Milne, Prud'homme, Bolduc, and of course the very excellent speech made by Senator Andreychuk today.

Honourable senators, as I said, this has been a very engaging, important and challenging debate. I have listened to it very carefully and have reviewed much of what was said in our printed record. Clearly, in rising today, I am speaking on behalf of the government, and reflecting the position of the government on this issue, but everything that I have said and will say today I would say from any desk in this chamber.

I wish to deal with what I believe are the two most recurring issues in this debate, namely, our international obligations, and then our position as a society and as a nation that has rejected capital punishment.

As I have stated, I am, and have long been, an abolitionist. I voted in this chamber for abolition in 1976, so how do I, to put it bluntly, square the circle by opposing capital punishment in this country, but supporting a measure that could — and I emphasize the word "could" — lead to the execution of an individual in another country?

Honourable senators, as members of Parliament, I believe that our primary responsibilities revolve around the obligation to take measures to protect and enhance the well-being of all Canadians. In doing so, we know that we cannot achieve perfection. The Prime Minister has observed in the past that the enemy of the good is perfection, and that in pursuing only the perfect solution, we can fail to accomplish something less noble but, nevertheless, beneficial and good.

Honourable senators, if we lived in a perfect world where all nations shared our abhorrence of capital punishment, we would not even be having this debate. However, the world as we know it is far from perfect. As Senator Bryden explained, we share a 3,000-mile undefended border with a country that does not share our views on capital punishment. As Senator Joyal explained, in that country, there are 3,500 individuals on death row. In the main, they are individuals who have committed some of the most brutal acts possible and imaginable against their fellow citizens in the United States.

Senator Grafstein's amendment says that if such individuals escape or flee to Canada, they should never be extradited if the requesting state refuses to promise not to impose the death penalty. But what if, for whatever reason, that promise is not made or cannot be given? Senator Joyal suggests that assurances will always be obtained because not giving such assurances would be contrary to the public interest, and the public opinion in those countries would revolt against that.

With all due respect, honourable senators, I believe this assumption may be a bit naive. A fugitive found in Canada is, first and foremost, a Canadian problem. What if public opinion in a requesting state is so outraged by the proposition of such assurances because of the nature of the particular crime that for political reasons it cannot be given to us? To assume that assurances will be obtained in every case is to assume that foreign systems of law can accommodate a different treatment of offenders for the same behaviour. To put it bluntly, we are assuming that a foreign state will always accept the proposition that similar crimes will receive different punishments, depending only on whether the accused is able to avoid capture by fleeing across the border to Canada.

Honourable senators, reference was made to the *Ng* case today by Senator Andreychuk. As we have heard, when Charles Ng was captured in Calgary, he was carrying a bag containing a mask, a rope, a knife, cyanide capsules and a gun. We now know that he fled to Canada following his participation in the torture

and murder of 11 men, women and babies in California. What if Senator Grafstein's amendment had been in place when Mr. Ng was captured, and the State of California had refused to waive the death penalty because of the truly horrific nature of the crimes he had committed? Following any time that he might serve in a Canadian jail for the illegal possession of a firearm, Mr. Ng would be released on to our streets. Having committed no other crime in Canada, he could not be held.

As Senator Grafstein is well aware, it would be contrary to the most fundamental notions of justice, to say nothing of the Charter, to incarcerate someone in Canada indefinitely for mere suspicion of crimes committed in another country.

In the event that someone like Charles Ng is released on to our streets, will we be able to tell Canadians that we did our utmost to protect their own safety and their own security? Will we be able to make them understand that since we are an abolitionist country, we must take every step to eliminate the death penalty in all countries in the world, even if that places their own safety and that of their children at risk?

In his remarks of April 14, Senator Grafstein said:

The argument of the minister...is that if we do not give her the discretion, we will be inundated with fugitives and serial killers, and that Canada will become a haven for criminals. My response is that that is not our concern.

With all due respect to Senator Grafstein, I disagree profoundly. If it is not our concern as legislators and parliamentarians that Charles Ng could be released back on to our streets with his kit bag after murdering and torturing 11 individuals in southern California, then whose concern is it?

As I said, in a perfect world, we would have no need for this debate. However, we must deal with reality, and we have a moral duty to ensure that the legislation we pass does not jeopardize the safety and the security of our citizens.

As Dean La Forest said in her appearance before our committee on March 18:

That reality is that if the minister is forced to demand assurances in relation to the death penalty, the direct consequence will be that Canada will become a haven for fugitives.

• (1620)

I do not believe that this is simply a fear. In my view, it is naive to suggest that a future Ng or Kindler will not come to Canada if only to ensure escape from the death penalty. By accepting Senator Grafstein's amendment, we would be establishing a system whereby fleeing the jurisdiction of the crime is, for all intents and purposes, rewarded. At the very least, the fugitive would escape a possible death sentence. At best, they could escape punishment all together by remaining in Canada. But are these the people we want to encourage to come to our country? Do we wish to give brutal murderers like Charles Ng even more incentive to enter our country than they have already?

As parliamentarians, we have the opportunity and the responsibility to say "No." As parliamentarians, we have been charged with taking measures that reduce the risk to our fellow citizens. In my view, Senator Grafstein's amendment would do the exact opposite. That is why I cannot support it.

This only addresses the first part of the problem because, in his remarks, Senator Joyal has left a clear impression that, quite apart from the issue of public safety, Canada was contravening international norms and obligations by leaving this discretion with the Minister of Justice. That, honourable senators, is not correct. Bill C-40, as now before us, is in full conformity with all of our international obligations and covenants.

On April 28, 1999, in Geneva, the Commission on Human Rights formally adopted a resolution on the death penalty. As some of you will have read in the newspaper, this resolution contained a paragraph on the same issue that we have been discussing during the last few weeks. Initially, it was proposed that this paragraph call upon states not to extradite any person to a country in which he or she risks being sentenced to death. A number of states had problems with that wording. Following intense negotiations, an international consensus was achieved.

The paragraph, as ratified overwhelmingly on April 28, 1999, now reads as follows:

[The Commission] requests states that have received a request for extradition on a capital charge to explicitly reserve the right to refuse extradition in the absence of effective assurances, from relevant authorities of the requesting state, that capital punishment will not be carried out.

This approach is exactly what Bill C-40 provides. Under this legislation, Canada explicitly reserves the right to refuse to extradite someone if the other country refuses our request to waive the death penalty in a particular case.

Let us be clear that "reserving the right" not to extradite is not the same as an obligation not to extradite, as Senators Joyal and Grafstein are proposing. They are going far beyond what the commission on human rights agreed to.

In dealing with the international aspects of Bill C-40, I also wish to comment on Senator Joyal's use of a quotation from the decision of the United Nations Human Rights Committee on the *Ng* case. He quoted the committee as follows:

The Human Rights Committee...is of the view that the facts as found by the Committee reveal a violation by Canada of article 7 of the Covenant. The Human Rights Committee requests Canada to make such representations as might still be possible to avoid the imposition of the death penalty, and appeals to Canada to ensure that a similar situation does not arise in the future.

I am certain that this may have left the impression among many that in extraditing *Ng* to face possible execution, the committee found Canada in violation of its international

obligations. This was not, in fact, the case. The committee was not chastising Canada for sending *Ng* to California to face possible execution but, rather — as suggested earlier by Senator Andreychuk — for sending him back to face possible execution by lethal gas, which the committee concluded was an inhumane form of execution under Article 7.

As far as the main point is concerned, the committee reported as follows:

While States must be mindful of their obligation to protect the right to life when exercising their discretion in the application of extradition treaties, the Committee does not find that the terms of article 6 of the Covenant necessarily require Canada to refuse to extradite or to seek assurances. The Committee notes that the extradition of Mr. *Ng* would have violated Canada's obligations under article 6 of the Covenant if the decision to extradite without assurances had been taken summarily or arbitrarily. The evidence before the Committee reveals, however, that the Minister of Justice reached his decision after hearing extensive arguments in favour of seeking assurances.

Here the report refers to then Minister Allan Rock. The report continues:

The Committee further takes note of the reasons advanced by the Minister of Justice...in particular, the absence of exceptional circumstances, the availability of due process and of appeal against conviction, and the importance of not providing a safe haven for those accused of murder.

As for the finding that execution by lethal gas is a violation of Article 7 of the Covenant on Human Rights, the *Ng* case was the first time that the committee had considered directly whether a particular method of execution violated rights protected by the covenant. Since that decision, California has changed its law to provide that a condemned criminal could choose execution by lethal injection, which the commission in the *Kindler* case found to be an acceptable form of execution.

To reiterate, with respect to our international obligations in Bill C-40, Canada is meeting all of them. Canada is not in violation of any of its international obligations when it chooses to extradite someone to face a possible sentence of capital punishment. This has been confirmed in successive decisions of the Human Rights Committee and, more recently, by the Commission on Human Rights in Geneva.

• (1630)

Honourable senators, the amendment before us also proposes to create a fast-track extradition process for requests emanating from international tribunals for alleged war criminals. I certainly have no intention of trying the patience of colleagues by examining this proposal in minute detail. Suffice it to say that I do not believe that we can have two systems of justice in Canada regardless of the crime. As Senator Fraser explained, no one in Canada should be denied the protection of Canadian law.

Honourable senators, I began my remarks by emphasizing the importance and the quality of this debate. It contrasts a world we would like to live in with the world that we do live in. Though we need not necessarily respect, emotionally or intellectually, the decisions of other countries to resort to capital punishment, we should respect the reality and the consequences of living in such a world.

As legislators, we must fulfil our overriding responsibilities to protect the lives and safety of our own citizens. As members of government, as members of Parliament in the broadest sense of the word, if we do not protect the lives and the safety of our own citizens, it matters little what else we do for them, or what principle we protect on their behalf.

Bill C-40 is not about the earthly attainment of some moral absolute, or about the pursuit of perfection. It is, however, a good bill that will protect the well-being of all Canadians in a far less than perfect world.

Senator Grafstein: Honourable senators, I would like to ask the Leader of the Government in the Senate some questions. Before doing so, I want to correct some earlier questions that I directed to Senator Andreychuk.

I, in fact, quoted from the *Burns and Rafay* case, but rather than quoting from the decision of the Chief Justice, I was quoting from the decision of the Honourable Mr. Justice Donald, whose reasons were affirmed by the Chief Justice. The questions stand; the author should be corrected. I will correct the Hansard on that.

Having said that, I wish to ask Senator Graham a few questions. I will start with the second issue, which is the issue of extraditing alleged war criminals to a tribunal recognized by Canada, such as the Rwandan and the Yugoslavian tribunals. The honourable senator did not spend a lot of time on that point, other than to conclude that he agreed with Senator Fraser.

If I could draw the attention of the minister to the transcript of the committee — I do not have it in front of me, but Senator Andreychuk was kind enough to affirm this — it was clear that the department had the intention in the future to end up with a separate track, a different track, with different rights and obligations with respect to the surrender of war criminals to a tribunal. That is already anticipated. It is anticipated that there will be a different track. The only question is when.

My amendment, Senator Graham, is to say, let us do it now because, as Senator Andreychuk pointed out quite fairly, she does not know, nor do I, when this suggested action will be ratified so that we can have the more perfect world. This is to renovate the present world, though it cannot make it perfect.

Is the minister saying that he disagrees with the officials of the department that there should be a different track, and that the only question left open is when?

Senator Graham: Honourable senators, the honourable senator is asking an important question, and I am cognizant of the fact that not only the Minister of Justice but departmental officials are contemplating other matters that may arise. They have certainly been apprised of the excellence of the debate and

the matters put forward with respect to the fast track by Senator Grafstein.

I am not able at the present time to say whether it will be this year, next July, or when, but I know that the minister is very conscious of the representations and the concerns that have been raised by Senator Grafstein.

Senator Grafstein: I appreciate that. Let me deal with the first and more heated topic, the question of ministerial discretion when it comes to seeking assurances from a requesting state that has the death penalty.

Let us have a reality check. You mentioned the 38 states of the United States. You asked what would happen if those states cannot give assurances? I think that is a fair proposition. Can the honourable senator tell us in which of the 38 states of the United States the governor of that state, at this present time, under the constitution of each of those states and the constitution of the United States, does not have the power to commute? Every state, by its senior elected official, has the power to commute or transform a death penalty into life imprisonment. Is there any state in the United States that has the death penalty where that discretion does not rest with the governor of that state?

Senator Graham: In the final analysis, I do not know of any.

Senator Grafstein: Can the Leader of the Government in the Senate respond to Mr. Justice Donald's statement, in response to the previous minister's extradition of two Canadian citizens to the United States which was quashed in the British Court of Appeal? He said this on page 20 of his decision:

The Minister confesses his support for abolition but then fails to act on his conviction. Apart from trying to have it both ways, the problem with the Minister's thinking is that he treats the policy question about the death penalty in Canada as undecided and at large. This approach led him to give effect to the minority view on the death penalty as far as these applicants are concerned.

In effect, Mr. Justice Donald was saying that the application of the death penalty is not extra-territorial. That is a decision of the Court of Appeal of British Columbia.

Does the honourable senator agree with that particular contention?

Senator Graham: Honourable senators, as that question is presently before the Supreme Court, I do not think it would be appropriate for me to comment on it.

Senator Grafstein: I appreciate that. I wanted to ensure that that was clearly on the record, because it obviously is part of the considerations for all senators.

Can the minister bring to the attention of the Senate, since he has raised the clear and present danger that Canada will become a safe haven for fugitives, one case where assurances were sought from a state of the United States that the death penalty would not be applied, and it was not granted?

Senator Graham: I am not aware of any.

Senator Grafstein: I appreciate that, honourable senators. Let me conclude by referring to the other statement made by the minister, and echoed by Senator Graham, and that is that Canada will become a haven for criminals and that Senator Grafstein, in effect, is opening the floodgates to them.

Let me read from page 17 of Mr. Justice Donald's decision, where he quotes Madam Justice McLachlin:

Another relevant consideration in determining whether surrender without assurances regarding the death penalty would be a breach of fundamental justice is the danger that if such assurances were mandatory, Canada might become a safe haven for criminals in the United States seeking to avoid the death penalty. This is not a new concern. The facility with which American offenders can flee to Canada has been recognized since the 19th century.

He then goes on for a page to give examples of that.

Is it not fair to say, Senator Graham, that this has been a recurring theme in public policy debates in Canada since Confederation?

Senator Graham: Yes, it has been. I would make a final point, though, in respect to making Canada a safe haven. Canada is not a haven now and, therefore, few come. However, we have had evidence of that possibility; for instance in the Charles Ng case. We have an obligation to make our streets and our homes, our institutions and our borders as safe as we possibly can. That is our responsibility. We have been given that responsibility by the people whom we represent.

Senator Grafstein: I would say to all honourable senators, and to the Leader of the Government in the Senate, that I could not agree with that sentiment more. In this instance, however, there is no evidence to suggest that there is a clear and present danger that our streets will be unsafe.

On motion of Senator Wilson, debate adjourned.

• (16:40)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Thérèse Lavoie-Roux moved the second reading of Bill S-29, to amend the Criminal Code (Protection of Patients and Health Care Providers).

She said: Honourable senators, Bill S-29 would amend section 45 of the Criminal Code. It deals with the very important issue of life and death.

As honourable senators are aware, there has been mounting public pressure in Canada with respect to euthanasia and assisted suicide. Parliament has been called upon time and time again to address the urgent need to clarify the law in order to prevent the

occurrence of disasters which result from the interpretation or misinterpretation of the law as it exists in its present form by health care providers. As long as there exists ambiguity in the law and, more important, in the minds of health care providers, there exists a threat to the lives of Canadians.

It is my hope that honourable senators will join me in supporting Bill S-29 and take a significant step toward guaranteeing the rights of our citizens to control the medical treatment they receive.

The introduction of Bill S-29 is a culmination of significant study and consultation which has been taking place for close to 20 years. In 1983, the Law Reform Commission of Canada released its Report on Euthanasia, Aiding Suicide and Cessation of Treatment. The report recommended against legalizing euthanasia and assisted suicide.

Furthermore, it recommended amending the Criminal Code in order to absolve a physician from the responsibility to administer medical treatment where the treatment is against the patient's wishes. As well, it advocated amending the law in order to protect the physician from criminal liability for administering appropriate palliative care to relieve suffering. All of these recommendations are supported in Bill S-29.

[Translation]

The Canadian Medical Association has been lobbying since 1992 for a change to the Criminal Code to indicate cases in which it is legally acceptable to withdraw treatment. The CMA also adopted a policy encouraging the creation of and adherence to directives relating to care. These elements are reflected in Bill S-29. Then, in 1995, 12 years after the Law Reform Commission report, the Special Senate Committee on Euthanasia and Assisted Suicide tabled its report, entitled "On Life and Death."

The committee heard from at least 150 people from all over Canada. It read thousands of letters and briefs from individuals and organizations. The witnesses it heard illustrated the confusion among health professionals and the general public around the issue of withholding or withdrawing life-sustaining treatment and of administering medication to alleviate pain, and the criminal responsibility relating to these acts.

More specifically, the committee was unanimous in recommending amendments to the Criminal Code and the passage of the legislative provisions necessary to explicitly recognize and clarify the circumstances under which withholding and withdrawal of life-sustaining medical treatment are legally acceptable.

[English]

Bill S-29 aims to clarify the very confusion to which witnesses gave testimony. It does so by introducing a process in which standards are established. The reason ambiguity exists today is that there are no widely accepted standards of practice in Canada when it comes to withholding or withdrawing life-sustaining treatment and limits to pain control medication.

Another unanimous recommendation of the committee states:

The committee recommends that the division of Health Canada responsible for health protection and promotion, in consultation with the provinces and territories and the relevant professional associations, establish guidelines to govern the withholding and withdrawal of life-sustaining treatment.

Clause 45.5 of the legislation outlines the scope of standards and guidelines, as well as the process through which the federal Minister of Health consults with the governments of the provinces and national and provincial associations of health care professionals. Its tone is one of cooperation, which I believe is essential to the effectiveness of the end product; that is, sound patient-centred medical care of terminally ill patients. In effect, this is a key principle in palliative care which was endorsed by the Senate committee and which has been advanced by policies of Health Canada. Bill S-29 can only serve to further the practice of good palliative care in Canada.

In 1995, the recommendation concerning amending the Criminal Code, as brought forward by the Law Reform Commission and the special Senate committee, materialised in a bill introduced in the Senate by Senator Carstairs. Although I was fundamentally in agreement with the intention of Bill S-13, I had concerns about particular aspects of the bill. I commend Senator Carstairs for taking the lead in the effort to amend the Criminal Code. I trust that she will support the present legislation.

One provision which Bill S-13 omitted was the creation of guidelines, which I mentioned previously. Another one was the requirement of health care providers to obtain free and informed consent from the person or the substitute decision maker concerning pain control medication. Bill S-29 includes both of these elements. It expounds upon the notions of consent and request by addressing written directives and proxy holders, while conforming with existing legislation on these matters.

The people who worked on the committee in 1994-95 will recall the case of a girl who was in a Quebec hospital and who was kept alive artificially. When she finally asked to be disconnected from life support, she had to go to court. If provisions such as the one proposed in this bill had been in force, the hospital could have simply, with the proper consent, disconnected the equipment that was keeping her alive.

• (1650)

Bill S-29 is expanded to the protection of patients and health care providers. It is my belief that both patients and health care provider are served by this legislation. It respects the patient's right to choose and the sanctity and dignity of life. As well, it protects from criminal prosecution health care providers who act in accordance with legally recognized standards. Furthermore, it reflects the increasingly balanced relationship that has developed in physician-patient relations.

Honourable senators, the need to endeavour to further the recommendations of the special Senate committee has not

ceased. I have consulted with the Honourable Allan Rock, Minister of Health; the Honourable Anne McLellan, Minister of Justice; the Senate Law Clerk, Mr. Audcent; colleagues in the Senate and experts in the fields of palliative care, medicine, ethics, law, and health care administration, many of whom appeared before the special Senate committee. I have engaged in much consultation and cannot take sole credit for the legislation which is being introduced. It is a synthesis of knowledge and reason, and the door should remain open for further hearings.

[Translation]

Support for this bill is widespread. Dr. Keon told me that the Canadian Medical Association is very happy to see us taking the initiative of introducing this bill. There have been repeated recommendations that the Criminal Code be amended, but both the Progressive Conservative and Liberal governments have so far turned a deaf ear. There is the feeling that it would be opening a can of worms. No one has wanted to touch it and so, for 20 years, no one has. The time has come for action.

Public pressure is mounting. The threat of opening the door to euthanasia is increasing. The purpose of this bill is not — I repeat, not — to support euthanasia, but rather to list the rights and obligations of all involved so that competent palliative care will be more widely available, thus enabling every Canadian to die with dignity.

[English]

Bill S-29 provides the clarification to existing law which has been repeatedly requested. It furthers the recommendation of the Law Reform Commission and the Special Senate Committee on Euthanasia and Assisted Suicide. It respects the principle of patient consent and provides for advance directives and proxy consent. It establishes standards of practice and provides a cooperative process between government and professional organizations. It allows both the public and those who provide care a clearer understanding of the limits of pain relief practices and the limits of life sustaining treatment. It enables doctors and nurses to practice acceptable palliative care without struggling with the fear of punishment should they help ease a person's pain.

Had such guidelines existed at the time of the case of Dr. Morrison in Nova Scotia, she would not have been confronted with the problems she had to face. There are many such examples.

[Translation]

You have before you, honourable senators, an opportunity to take action, to help this country out of a quagmire, and to set in motion a process that will protect patients and health care providers.

In closing, I hope that all the health ministers called upon to help develop guidelines will not get bogged down in all sorts of details and say that it is impossible.

I am not telling anyone they have to support my bill. Its sole purpose is to serve the public as well as possible. I even suggested that Ministers Rock and McLellan take action themselves. That was fine with me. The goal is to help resolve some profoundly human problems that create a great deal of anxiety for patients and patients' families in particular. The goal is to find a normal human denouement, with the greatest possible safety for those about to enter the afterlife.

On motion of Senator Carstairs, debate adjourned.

[English]

HEALTH CARE IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Keon calling the attention of the Senate to the present state of the Canadian health care system.—(*Honourable Senator DeWare*)

Hon. Norman K. Atkins: Honourable senators, I want to join in this inquiry into the future of health care in Canada, commenced by my colleague Senator Keon, by first highlighting the fact that, through a senator launching an inquiry, a debate in Parliament can begin on a public policy issue. I believe it shows the value of the rules we have adopted for ourselves in the Senate, and the trust and respect that we have for colleagues on both sides of this chamber.

The fact that time can be taken out of our legislative day to address important and pressing matters raised by individual senators illustrates the benefits of the type of chamber we now have. In the other place, time is dominated by the government's legislative agenda. There is very little opportunity for informed debates on topics of members' choosing, such as we experience here in the Senate.

Therefore, I believe we owe a debt of gratitude to Senator Keon for calling the attention of Canadians to the issue of the future of health care in Canada. It is my hope that, after a thorough discussion in this chamber, Senator Murray, who chairs the Standing Senate Committee on Social Affairs, Science and Technology, will put health care near the top of the agenda for the study on social cohesion which has been undertaken by that committee.

• (1700)

If we are to examine the gaps between the rich and the poor in this country or, indeed, close or attempt to eliminate these gaps, then surely the quality and delivery of health care must form part of that study.

We are all aware that health care, like education and social welfare, lies within the purview of provincial jurisdiction. However, the federal government, through the Canada Health Act and through the federal spending powers, had, at least until 1994, a large role to play in health care in Canada. With the

cut-backs in federal contributions in the last few years, one could argue that the federal government has less influence in its role.

It is my contention that the federal government must maintain its important role in health care through continued funding, but also in overseeing the general health of Canadians and health care delivery throughout Canada. The federal government should take a leading role with the provinces, with health care providers and with the Canadian public in defining what our health care system should become as we enter the next century.

Surely, in a country as prosperous as Canada, our people should not live in fear that a health care system of which we have been so proud for so long will not be there to serve the legitimate needs of Canadians. Health care is a core value of Canadians and one of the pillars of the federal form of government. It is too central to our way of life to be held hostage to the fiscal and political demands of the moment. The design, delivery and funding of health care should not be subject to the unilateral whims of the federal government — or, for that matter, of any government. Rather than dealing with health care by proposing stop-gap measures, it is my belief that it is time to address health care issues in a concrete and constructive fashion.

I am aware of the positions taken by the Minister of Finance and the Minister of Health on the subject of health care. The Minister of Finance claims that in his 1998 budget he put money into our health care system and was looking for credit for it. This is not reality. The federal cuts into health care in the three previous years were so severe that all Mr. Martin did with that budget was put back some of the money he had previously cut. In his 1999 budget, the health care budget, he promised more funding but he spread it over several years, bringing us back to the situation we were in before the cuts. Mr. Martin might have deserved some credit had he not been responsible for creating the financial crisis in health care himself through previous budget cuts imposed unilaterally on the provinces.

There seems to be a basic lack of understanding of health care delivery and monetary needs on the part of the federal government. For example, some time ago, Health Minister Rock announced his commitment to home care. That was a positive step — except that home care is delivered by the provinces. Unless Minister Rock starts doing the visits himself, the federal government should not be dictating how the provinces are to deliver home care.

It then occurred to the health minister that home care delivery requires a financial commitment. He then wanted to tie any increase in health funding to home care delivery.

A separately funded home care plan is simply wrong. In order to work properly, it must be part of a coordinated approach involving a transition from hospital to home. Yes, it has to be funded, but funded in a coordinated manner.

The reality is that the federal budget is balanced, and we should encounter a period of fiscal stability for the next few years. We should be moving beyond the debate on funding and into the two major health issues: How is health care to be delivered in the new millennium, and what form is it to take?

The delivery of health care must be based on the twin pillars of accessibility and equality, but as I said in relation to home care, it must be a coordinated delivery. This is one of the vital factors missing at the present time.

As Dr. Judith Kasmirsky, former president of the Canadian Medical Association, told the Progressive Conservative's summer caucus meeting in Halifax in 1997, "what is missing is the continuum of care" — care from the time you become ill until the time you recover; care by your doctor, your hospital and your home care support personnel.

While those who administer the system speak about the new reality of shorter hospital stays and a reliance on effective but less expensive home care, this change has not really taken place in the health delivery system. As Dr. Kasmirsky pointed out, "some patients are leaving hospitals now sicker than they were before, and research shows there is an increase in readmission rates."

At this same meeting, my Senate colleague Dr. Keon stated that those using our health care system expect speed, quality, appropriateness of treatment and care, and affordability. In order to accommodate these legitimate demands, the integration of services or continuum of care must be established. We must integrate federal-provincial resources, integrate provincial resources with community resources, and integrate our facilities at the local level. There does not need to be a single owner of health facilities, but they must be connected, not working in competition or in isolation.

It is Dr. Keon's belief, and it is one I share, that the integrated delivery models must be community-based and patient based, not driven by political aspirations. This integrated model must, however, be flexible so as to accommodate the needs of diverse communities. It must encompass a shift to alternate but effective modes of health care delivery, such as tele-health, home hospital, and multi-disciplinary medical teams, as opposed to the sole general practitioner.

Patients want more information, more choices and to be part of the decision-making process. The centuries-old era of health domination by doctors, based largely on control of medical knowledge, is giving way to the empowered consumer. We are the first health consumers who can reach out through the Internet into CD-ROM and through television to obtain health information. We can understand illness, and we can understand and weigh the advantages and disadvantages of various methods of quality treatment. There is also a shift to wellness and prevention — keeping people healthy rather than focusing solely on treating them after they are ill.

In addition to this integrated delivery approach, we need to put at least \$2 billion per year out of the transfer payments into the targeted system research. We need a national institute of health which would be a central repository of information which could be accessed from across the country. It would also assist in the development and publication of national health care targets and goals to be achieved by governments, and it would measure progress towards these goals.

In this connection, I congratulate the Advisory Council on Health Infrastructure upon the delivery of its final report earlier this year entitled "Health Infoway — Paths to Better Health." It demonstrates beyond any doubt the efficiencies and increased levels of knowledge that can be brought to health care through the use of technology. I hope the government studies this report carefully with a view to beginning a dialogue on the implementation of its recommendations.

I was also intrigued with the debate at the annual Canadian Medical Association meeting this past summer in the Yukon on the subject of rural health care. Rural hospitals and rural health care in general are decidedly different from their urban counterparts. It is necessary in rural areas that there be ready access to competent medical care and to hospital facilities. Such access saves lives and, in the long term, saves taxpayers' money as people are treated in the early stages of illness, thus preventing long, expensive hospital stays. I support the CMA's call for a one-time immediate funding commitment to rural health care on behalf of the provinces and the federal government.

In order to implement these suggestions and protect the basic tenets of our health care system, it is essential that common standards be defined and maintained by forging a new Canadian covenant between the federal government and the provinces. It is time for the federal government to show leadership in this area.

• (1710)

Our present health care system started as an insurance program many years ago. It is now time for us, under the leadership of the federal government, in partnership with the provinces, to look again at health care and define what are required health care services under the Canada Health Act.

What are those services to which the five principles of the Canada Health Act — that is, portability, universality, accessibility, publicly administered and comprehensive — should continue to apply? While many contend that there is not enough money in the system, I believe we should look carefully at where that money is being spent. There are few, if any, spending controls, little accountability, and medical fees are based on procedures and recurring patient visits, which only increase the costs to the system.

A new covenant should be forged that redefines health care but guarantees its future accessibility for all Canadians. It is time that we moved beyond the constant federal-provincial squabbling over health care and attempted to come to grips with fundamental and meaningful reform along the lines I have suggested today, and that were proposed by Senator Keon during his excellent presentation.

I hope that, during the debate that follows on this inquiry, senators will address the issues of accountability in the health care system, the right of patients to be informed of options for treatment, as well as costs and measures that will be necessary to be implemented by both the provinces and the federal government in order to renew the federal-provincial partnership in health care.

We owe it to Canadians to raise the level of debate on this important subject. Health care will be always foremost on their minds. Let us face it: Health care is everyone's business.

The Senate adjourned until Wednesday, May 5, 1999, at 1:30 p.m.

On motion of Senator DeWare, debate adjourned.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE GILDAS L. MOLGAT

THE LEADER OF THE GOVERNMENT

THE HONOURABLE B. ALASDAIR GRAHAM, P.C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STAUNTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

RICHARD GREENE

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD

MARY McLAREN

THE MINISTRY

According to Precedence

(May 4, 1999)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. Herbert Eser Gray	Deputy Prime Minister
The Hon. Lloyd Axworthy	Minister of Foreign Affairs
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of Fisheries and Oceans
The Hon. Ralph E. Goodale	Minister of Natural Resources and Minister responsible for the Canadian Wheat Board
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. Sergio Marchi	Minister for International Trade
The Hon. John Manley	Minister of Industry
The Hon. Diane Marleau	Minister for International Cooperation and Minister responsible for Francophonie
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Marcel Massé	President of the Treasury Board and Minister responsible for Infrastructure
The Hon. Anne McLellan	Minister of Justice and Attorney General of Canada
The Hon. Allan Rock	Minister of Health
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Christine Stewart	Minister of the Environment
The Hon. Alfonso Gagliano	Minister of Public Works and Government Services
The Hon. Lucienne Robillard	Minister of Citizenship and Immigration
The Hon. Fred J. Mifflin	Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency)
The Hon. Jane Stewart	Minister of Indian Affairs and Northern Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of Human Resources Development
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. B. Alasdair Graham	Leader of the Government in the Senate
The Hon. Lyle Vanclief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of National Revenue
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. Raymond Chan	Secretary of State (Asia-Pacific)
The Hon. Martin Cauchon	Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Hedy Fry	Secretary of State (Multiculturalism) (Status of Women)
The Hon. David Kilgour	Secretary of State (Latin America and Africa)
The Hon. James Scott Peterson	Secretary of State (International Financial Institutions)
The Hon. Ronald J. Duhamel	Secretary of State (Science, Research and Development) (Western Economic Diversification)
The Hon. Andrew Mitchell	Secretary of State (Parks)
The Hon. Gilbert Normand	Secretary of State (Agriculture and Agri-Food) (Fisheries and Oceans)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(May 4, 1999)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Gildas L. Molgat, Speaker	Ste-Rose	Winnipeg, Man.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver, B.C.
Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Paul Lucier	Yukon	Whitehorse, Yukon
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Philip Derek Lewis	St. John's	St. John's, Nfld.
Reginald James Balfour	Regina	Regina, Sask.
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ontario	Ottawa, Ont.
William McDonough Kelly	Port Severn	Mississauga, Ont.
Leo E. Kolber	Victoria	Westmount, Qué.
John B. Stewart	Antigonish-Guysborough	Bayfield, N.S.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuaq, Qué.
Daniel Phillip Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montréal, Qué.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Jean-Maurice Simard	Edmundston	Edmundston, N.B.
Michel Cogger	Lauzon	Knowlton, Qué.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Golfe	Ste-Foy, Qué.
Gérald-A. Beaudoin	Rigaud	Hull, Qué.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	New Brunswick	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
Mabel Margaret DeWare	New Brunswick	Moncton, N.B.
John Lynch-Staunton	Grandville	Georgeville, Qué.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Normand Grimard	Québec	Noranda, Qué.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Thérèse Lavoie-Roux	Québec	Montréal, Qué.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis Johnson	Winnipeg-Interlake	Winnipeg, Man.
Eric Arthur Berntson	Saskatchewan	Saskatoon, Sask.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Québec, Qué.
Ronald D. Gitter	Alberta	Calgary, Alta.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montréal, Qué.
Fernand Roberge	Saurel	Ville St-Laurent, Qué.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
Erminie Joy Cohen	New Brunswick	Saint John, N.B.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montréal, Qué.
Pierre Claude Nolin	De Salaberry	Québec, Qué.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Qué.
Sharon Carstairs	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	New Brunswick	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montréal, Qué.
William H. Rompkey, P.C.	Newfoundland	North West River, Labrador, Nfld.
Lorna Milne	Ontario	Brampton, Ont.
Marie-P. Poulin	Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougement	Ville de Saint-Laurent, Qué.
Nicholas William Taylor	Sturgeon	Bon Accord, Alta.
Eugene Francis Whelan, P.C.	Western Ontario	Ottawa, Ont.
Léonce Mercier	Mille Isles	Saint Élie d'Orford, Qué.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montréal, Qué.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Qué.
Sister Mary Alice (Peggy) Butts	Nova Scotia	Sydney, N.S.
Serge Joyal, P.C.	Kennebec	Montréal, Qué.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Archibald (Archie) Hynd Johnstone	Prince Edward Island	Kensington, P.E.I.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto, Ont.
Francis William Mahovlich	Toronto	Toronto, Ont.
Calvin Woodrow Ruck	Dartmouth	Dartmouth, N.S.
Richard H. Kroft	Winnipeg	Winnipeg, Man.
Marian Maloney	Surprise Lake-Thunder Bay	Etobicoke, Ont.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montréal, Qué.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Qué.
Vivienne Poy	Toronto	Toronto, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(May 4, 1999)

Senator	Designation	Post Office Address
THE HONOURABLE		
Adams, Willie	Nunavut	Rankin Inlet, Nunavut
Andreychuk, A. Raynell	Regina	Regina, Sask.
Angus, W. David	Alma	Montréal, Qué.
Atkins, Norman K.	Markham	Toronto, Ont.
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.
Bacon, Lise	De la Durantaye	Laval, Qué.
Balfour, Reginald James	Regina	Regina, Sask.
Beaudoin, Gerald-A.	Rigaud	Hull, Qué.
Berntson, Eric Arthur	Saskatchewan	Saskatoon, Sask.
Bolduc, Roch	Golfe	Ste-Foy, Qué.
Bryden, John G.	New Brunswick	Bayfield, N.B.
Buchanan, John, P.C.	Nova Scotia	Halifax, N.S.
Butts, Sister Mary Alice (Peggy)	Nova Scotia	Sydney, N.S.
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.
Carstairs, Sharon	Manitoba	Victoria Beach, Man.
Chalifoux, Thelma J.	Alberta	Morinville, Alta.
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.
Cogger, Michel	Lauzon	Knowlton, Qué.
Cohen, Erminie Joy	New Brunswick	Saint John, N.B.
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.
Cook, Joan	Newfoundland	St. John's, Nfld.
Cools, Anne C.	Toronto Centre	Toronto, Ont.
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.
De Bané, Pierre, P.C.	De la Vallière	Montréal, Qué.
DeWare, Mabel Margaret	New Brunswick	Moncton, N.B.
Di Nino, Consiglio	Ontario	Downsview, Ont.
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.
Eyton, J. Trevor	Ontario	Caledon, Ont.
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Qué.
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.
Forrestall, J. Michael	Dartmouth and Eastern Shore	Dartmouth, N.S.
Fraser, Joan Thorne	De Lorimier	Montréal, Qué.
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.
Ghitter, Ronald D.	Alberta	Calgary, Alta.
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Qué.
Grafstein, Jeremiah S.	Metro Toronto	Toronto, Ont.
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.
Grimard, Normand	Québec	Noranda, Qué.
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.
Hays, Daniel Phillip	Calgary	Calgary, Alta.
Hervieux-Payette, Céline, P.C.	Bedford	Montréal, Qué.
Johnson, Janis	Winnipeg-Interlake	Winnipeg, Man.
Johnstone, Archibald (Archie) Hynd	Prince Edward Island	Kensington, P.E.I.
Joyal, Serge, P.C.	Kennebec	Montréal, Qué.
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.
Kelly, William McDonough	Port Severn	Mississauga, Ont.
Kenny, Colin	Rideau	Ottawa, Ont.
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.

Senator	Designation	Post Office Address
THE HONOURABLE		
Kinsella, Noël A.	New Brunswick	Fredericton, N.B.
Kirby, Michael	South Shore	Halifax, N.S.
Kolber, Leo E.	Victoria	Westmount, Qué.
Kroft, Richard H.	Winnipeg	Winnipeg, Man.
Lavoie-Roux, Thérèse	Québec	Montréal, Qué.
Lawson, Edward M.	Vancouver	Vancouver, B.C.
LeBreton, Marjory	Ontario	Manotick, Ont.
Lewis, Philip Derek	St. John's	St. John's, Nfld.
Losier-Cool, Rose-Marie	New Brunswick	Bathurst, N.B.
Lucier, Paul	Yukon	Whitehorse, Yukon
Lynch-Staunton, John	Grandville	Georgeville, Qué.
Maheu, Shirley	Rougemont	Ville de Saint-Laurent, Qué.
Mahovich, Francis William	Toronto	Toronto, Ont.
Maloney, Marian	Surprise Lake-Thunder Bay	Etobicoke, Ont.
Meighen, Michael Arthur	St. Marys	Toronto, Ont.
Mercier, Léonce	Mille Isles	Saint-Élie d'Orford, Qué.
Milne, Lorna	Ontario	Brampton, Ont.
Molgat, Gildas L. Speaker	Ste-Rose	Winnipeg, Man.
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.
Nolin, Pierre Claude	De Salaberry	Québec, Qué.
Oliver, Donald H.	Nova Scotia	Halifax, N.S.
Pearson, Landon	Ontario	Ottawa, Ontario
Pépin, Lucie	Shawinigan	Montréal, Qué.
Perrault, Raymond J., P.C.	North Shore-Burnaby	North Vancouver, B.C.
Pitfield, Peter Michael, P.C.	Ontario	Ottawa, Ont.
Poulin, Marie-P.	Northern Ontario	Ottawa, Ont.
Poy, Vivienne	Toronto	Toronto, Ont.
Prud'homme, Marcel, P.C.	La Salle	Montréal, Qué.
Rivest, Jean-Claude	Stadacona	Québec, Qué.
Roberge, Fernand	Saurel	Ville St-Laurent, Qué.
Robertson, Brenda Mary	Riverview	Shediac, N.B.
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Robichaud, Louis-J., P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.
Roche, Douglas James	Edmonton	Edmonton, Alta.
Rompkey, William H., P.C.	Newfoundland	North West River, Labrador
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.
Ruck, Calvin Woodrow	Dartmouth	Dartmouth, N.S.
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Simard, Jean-Maurice	Edmundston	Edmundston, N.B.
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.
Spivak, Mira	Manitoba	Winnipeg, Man.
Stewart, John B.	Antigonish-Guysborough	Bayfield, N.S.
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.
Stratton, Terrance R.	Red River	St. Norbert, Man.
Taylor, Nicholas William	Sturgeon	Bon Accord, Alta.
Tkachuk, David	Saskatchewan	Saskatoon, Sask.
Watt, Charlie	Inkerman	Kuujuuaq, Qué.
Whelan, Eugene Francis, P.C.	Western Ontario	Ottawa, Ont.
Wilson, The Very Reverend Dr. Lois M.	Toronto	Toronto, Ont.

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(May 4, 1999)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ontario	Ottawa
4 William McDonough Kelly	Port Severn	Missassauga
5 Jeremiah S. Grafstein	Metro Toronto	Toronto
6 Anne C. Cools	Toronto Centre	Toronto
7 Colin Kenny	Rideau	Ottawa
8 Norman K. Atkins	Markham	Toronto
9 Consiglio Di Nino	Ontario	Downsview
10 James Francis Kelleher P.C.	Ontario	Sault Ste. Marie
11 John Trevor Eyton	Ontario	Caledon
12 Wilbert Joseph Keon	Ottawa	Ottawa
13 Michael Arthur Meighen	St. Marys	Toronto
14 Marjory LeBreton	Ontario	Manotick
15 Landon Pearson	Ontario	Ottawa
16 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
17 Lorna Milne	Ontario	Brampton
18 Marie-P. Poulin	Northern Ontario	Ottawa
19 Eugene Francis Whelan, P.C.	Western Ontario	Ottawa
20 The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto
21 Francis William Mahovlich	Toronto	Toronto
22 Marian Maloney	Surprise-Lake-Thunder Bay	Etobicoke
23 Vivienne Poy	Toronto	Toronto
24		

SENATORS BY PROVINCE AND TERRITORY

QUÉBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Leo E. Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuaq
3 Pierre De Bané, P.C.	De la Vallière	Montréal
4 Michel Cogger	Lauzon	Knowlton
5 Roch Bolduc	Golfe	Ste-Foy
6 Gérard-A. Beaudoin	Rigaud	Hull
7 John Lynch-Staunton	Grandville	Georgeville
8 Jean-Claude Rivest	Stadacona	Québec
9 Marcel Prud'homme, P.C.	La Salle	Montréal
10 Fernand Roberge	Saurel	Ville de Saint-Laurent
11 W. David Angus	Alma	Montréal
12 Pierre Claude Nolin	De Salaberry	Québec
13 Lise Bacon	De la Durantaye	Laval
14 Céline Hervieux-Payette, P.C.	Bedford	Montréal
15 Shirley Maheu	Rougemont	Ville de Saint-Laurent
16 Léonce Mercier	Mille Isles	Saint-Élie d'Orford
17 Lucie Pépin	Shawinigan	Montréal
18 Marisa Ferretti Barth	Repentigny	Pierrefonds
19 Serge Joyal, P.C.	Kennebec	Montréal
20 Joan Thorne Fraser	De Lorimier	Montréal, Qué.
21 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Qué.
22
23
24

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 John B. Stewart	Antigonish-Guysborough	Bayfield
3 Michael Kirby	South Shore	Halifax
4 Gerald J. Comeau	Nova Scotia	Church Point
5 Donald H. Oliver	Nova Scotia	Halifax
6 John Buchanan, P.C.	Nova Scotia	Halifax
7 J. Michael Forrester	Dartmouth and Eastern Shore	Dartmouth
8 Wilfred P. Moore	Stanhope St./Bluenose	Chester
9 Sister Mary Alice (Peggy) Butts	Nova Scotia	Sydney
10 Calvin Woodrow Ruck	Dartmouth	Dartmouth

NEW BRUNSWICK—10

THE HONOURABLE		
1 Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine
2 Eymard Georges Corbin	Grand-Sault	Grand-Sault
3 Brenda Mary Robertson	Riverview	Shediac
4 Jean-Maurice Simard	Edmundston	Edmundston
5 Noël A. Kinsella	New Brunswick	Fredericton
6 Mabel Margaret DeWare	New Brunswick	Moncton
7 Erminie Joy Cohen	New Brunswick	Saint John
8 John G. Bryden	New Brunswick	Bayfield
9 Rose-Marie Losier-Cool	New Brunswick	Bathurst
10 Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Archibald (Archie) Hynd Johnstone	Prince Edward Island	Kensington
4		

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gildas L. Molgat, Speaker	Ste-Rose	Winnipeg
2 Mira Spivak	Manitoba	Winnipeg
3 Janis Johnson	Winnipeg-Interlake	Winnipeg
4 Terrance R. Stratton	Red River	St. Norbert
5 Sharon Carstairs	Manitoba	Victoria Beach
6 Richard H. Kroft	Manitoba	Winnipeg

BRITISH COLUMBIA—6

THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver
3 Jack Austin, P.C.	Vancouver South	Vancouver
4 Pat Carney, P.C.	British Columbia	Vancouver
5 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
6 Ross Fitzpatrick	Okanagan-Similkameen	Kamloops

SASKATCHEWAN—6

THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 Reginald James Balfour	Regina	Regina
3 Eric Arthur Berntson	Saskatchewan	Saskatoon
4 A. Raynell Andreychuk	Regina	Regina
5 Leonard J. Gustafson	Saskatchewan	Macoun
6 David Tkachuk	Saskatchewan	Saskatoon

ALBERTA—6

THE HONOURABLE		
1 Daniel Phillip Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Ronald D. Ghitter	Alberta	Calgary
4 Nicholas William Taylor	Sturgeon	Bon Accord
5 Thelma J. Chalifoux	Alberta	Morinville
6 Douglas James Roche	Edmonton	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Philip Derek Lewis	St. John's	St. John's
2 C. William Doody	Harbour Main-Bell Island	St. John's
3 Ethel Cochrane	Newfoundland	Port-au-Port
4 William H. Rompkey, P.C.	Newfoundland	North West River, Labrador
5 Joan Cook	Newfoundland	St. John's
6		

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1		

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Paul Lucier	Yukon	Whitehorse

DIVISIONAL SENATORS

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Normand Grimard	Québec	Noranda, Qué.
2 Thérèse Lavoie-Roux	Québec	Montréal, Qué.

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of May 4, 1999)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair:	Honourable Senator Watt	Deputy Chair:	Honourable Senator Johnson
Honourable Senators:			
Adams,	Cochrane,	Johnson,	Pearson,
Andreychuk,	Gill,	*Lynch-Staunton,	St. Germain,
Austin,	Graham,	(or Kinsella)	Watt.
Chalifoux,	(or Carstairs)		

Original Members as nominated by the Committee of Selection

Adams, Andreychuk, Austin, Beaudoin, Doody, Forest, *Graham (or Carstairs), Johnson
 *Lynch-Staunton (or Kinsella, acting), Marchand, Pearson, Taylor, Twinn, Watt.

AGRICULTURE AND FORESTRY

Chair:	Honourable Senator Gustafson	Deputy Chair:	Honourable Senator Whelan
Honourable Senators:			
Chalifoux,	Hays,	Rivest,	Spivak,
Fairbairn,	Hervieux-Payette,	Robichaud,	Stratton,
*Graham,	Kinsella,	(Saint-Louis-de-Kent)	Taylor,
(or Carstairs)	*Lynch-Staunton,	Rossiter,	Whelan.
	(or Kinsella)		

Original Members as nominated by the Committee of Selection

Bryden, Callbeck, *Graham (or Carstairs), Gustafson, Hays, *Lynch-Staunton (or Kinsella, acting),
 Rivest, Robichaud (Saint-Louis-de-Kent), Rossiter, Sparrow, Spivak, Stratton, Taylor, Whelan.

SUBCOMMITTEE ON BOREAL FOREST
(Agriculture and Forestry)

Chair:	Honourable Senator Taylor	Deputy Chair:	Honourable Senator Spivak
Honourable Senators:			
Chalifoux,	*Lynch-Staunton,	Robichaud,	Stratton,
*Graham,	(or Kinsella)	(Saint-Louis-de-Kent)	Taylor.
(or Carstairs)		Spivak,	

BANKING, TRADE AND COMMERCE

Chair:	Honourable Senator Kirby	Deputy Chair:	Honourable Senator Tkachuk
Honourable Senators:			
Angus,	Hervieux-Payette,	Kolber,	Meighen,
Austin,	Kelleher,	Kroft,	Oliver,
Callbeck,	Kenny,	*Lynch-Staunton,	Tkachuk.
*Graham,	Kirby,	(or Kinsella)	
(or Carstairs)			

Original Members as nominated by the Committee of Selection

Angus, Austin, Callbeck, *Graham (or Carstairs), Hervieux-Payette, Kelleher, Kirby, Kolber,
 *Lynch-Staunton (or Kinsella, acting), Meighen, Oliver, Stanbury, Stewart, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair:	Honourable Senator Ghitter	Deputy Chair:	Honourable Senator Taylor
Honourable Senators:			
Adams,	Ghitter,	Hays,	Lynch-Staunton,
Buchanan,	Gustafson,	Kenny,	(or Kinsella)
Cochrane,	*Graham,	Kroft,	Spivak,
Fitzpatrick,	(or Carstairs)		Taylor.

Original Members as nominated by the Committee of Selection

Buchanan, Butts, Cochrane, Ghitter, *Graham (or Carstairs), Gustafson, Hays, Kirby,
 *Lynch-Staunton (or Kinsella, acting), Spivak, Stanbury, Rompkey, Taylor, Watt.

FISHERIES

Chair:	Honourable Senator Comeau	Deputy Chair:	Honourable Senator Perrault
Honourable Senators:			
Adams,	*Graham,	Meighen,	Robichaud,
Butts,	(or Carstairs)	Perrault,	(Saint-Louis-de-Kent)
Comeau,	*Lynch-Staunton,	Robertson,	Stewart.
Cook,	(or Kinsella)		
	Mahovlich,		

Original Members as nominated by the Committee of Selection

Adams, Butts, Carney, Comeau, *Graham (or Carstairs), Jessiman, Losier-Cool,
 *Lynch-Staunton (or Kinsella, acting), Meighen, Perrault, Petten,
 Robichaud (Saint-Louis-de-Kent), Rossiter, Stewart.

FOREIGN AFFAIRS

Chair: Honourable Senator Stewart

Honourable Senators:

Andreychuk,	De Bané,
Bolduc,	Di Nino,
Carney,	Grafstein,
Corbin,	

Deputy Chair: Honourable Senator Andreychuk

*Graham,	Robertson,
(or Carstairs)	Stewart,
Losier-Cool,	Stollery,
*Lynch-Staunton,	Whelan.
(or Kinsella)	

Original Members as nominated by the Committee of Selection

*Andreychuk, Bacon, Bolduc, Carney, Corbin, De Bané, Dood, Grafstein, *Graham (or Carstairs),
Lynch-Staunton (or Kinsella, acting), MacDonald, Stewart, Stollery, Whelan.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Rompkey

Honourable Senators:

Bryden,	*Graham,
	(or Carstairs)
De Bané,	Kinsella,
DeWare,	LeBreton,
Di Nino,	*Lynch-Staunton,
Forrestall,	(or Kinsella)

Deputy Chair: Honourable Senator Nolin

Maheu,	Robichaud,
	(Saint-Louis-de-Kent)
Milne,	Rompkey,
Nolin,	Stollery,
Poulin,	Taylor.

Original Members as nominated by the Committee of Selection

*Atkins, Callbeck, De Bané, DeWare, Di Nino, *Graham (or Carstairs), Kinsella,
LeBreton, *Lynch-Staunton (or Kinsella, acting), Maheu, Nolin, Poulin,
Robichaud (Saint-Louis-de-Kent), Rompkey, Stollery, Taylor, Wood.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Milne

Honourable Senators:

Andreychuk,	Eyton,
Beaudoin,	Fraser,
Bryden,	Grafstein,
Buchanan,	*Graham,
	(or Carstairs),

Acting Deputy Chair: Honourable Senator Nolin

*Lynch-Staunton,	Nolin,
(or Kinsella)	Pearson,
Milne,	Pépin.
Moore,	

Original Members as nominated by the Committee of Selection

*Beaudoin, Cogger, Doyle, Gigantès, *Graham (or Carstairs), Jessiman, Lewis, Losier-Cool,
Lynch-Staunton (or Kinsella, acting), Milne, Moore, Nolin, Pearson, Watt.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair:**Honourable Senator Corbin****Deputy Chair:**

Honourable Senators:

Bolduc,	Grimard,	Poy,	Robichaud,
	Kroft,		(L'Acadie-Acadia).

*Original Members agreed to by Motion of the Senate**Bolduc, Corbin, DeWare, Doyle, Gigantès, Grafstein, Robichaud (L'Acadie-Acadia).*

NATIONAL FINANCE

Chair:**Honourable Senator Stratton****Deputy Chair: Honourable Senator Cools**

Honourable Senators:

Bolduc,	Ferretti Barth,	Johnstone,	Mahovlich,
Cook,	Fraser,	Lavoie-Roux,	Moore,
Cools,	*Graham,	*Lynch-Staunton,	St. Germain,
Eyton,	(or Carstairs)	(or Kinsella)	Stratton.

*Original Members as nominated by the Committee of Selection**Bolduc, Cools, Eyton, Ferretti Barth, Forest, *Graham (or Carstairs), Lavoie-Roux, *Lynch-Staunton (or Kinsella, acting), Mercier, Moore, Poulin, St. Germain, Sparrow, Stratton.*SUBCOMMITTEE ON CANADA'S EMERGENCY AND DISASTER PREPAREDNESS
(National Finance)**Chair:****Honourable Senator Stratton****Deputy Chair: Honourable Senator Fraser**

Honourable Senators:

Bolduc,	Ferretti Barth,	*Graham,	*Lynch-Staunton,
Cook,	Fraser,	(or Carstairs)	(or Kinsella)
			Stratton.

OFFICIAL LANGUAGES (Joint)

Joint Chair: Honourable Senator Losier-Cool

Honourable Senators:

Beaudoin,	Gauthier,
Fraser,	Kinsella,

Deputy Chair:

Losier-Cool,	Robichaud,
Rivest,	(L'Acadie-Acadia).

Original Members agreed to by Motion of the Senate

*Beaudoin, Gauthier, Kinsella, Losier-Cool, Pépin, Rivest, Robichaud (L'Acadie-Acadia)
Robichaud (Saint-Louis-de-Kent), Simard.*

PRIVILEGES, STANDING RULES AND ORDERS

Chair: Honourable Senator Maheu

Honourable Senators:

Adams,	DeWare,
Atkins,	Grafstein,
Beaudoin,	*Graham,
Butts,	(or Carstairs)
Cools,	Joyal,

Deputy Chair: Honourable Senator Robertson

Kelly,	*Lynch-Staunton,
Kenny,	(or Kinsella)
Kinsella,	Maheu,
Lewis,	Maloney,
	Rossiter,
	Sparrow.

Original Members as nominated by the Committee of Selection

*Bosa, Corbin, Doyle, Grafstein, *Graham (or Carstairs), Grimard, Kelly, Lewis,
*Lynch-Staunton (or Kinsella, acting), Maheu, Marchand,
Milne, Pearson, Petten, Robertson, Rossiter.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Senator Hervieux-Payette

Honourable Senators:

Grimard,	Hervieux-Payette,
----------	-------------------

Deputy Chair:

Kelly,	Moore.
--------	--------

Original Members as nominated by the Committee of Selection

Cogger, Ferretti Barth, Grimard, Hervieux-Payette, Kelly, Lewis, Mercier, Moore.

SELECTION

Chair: Honourable Senator

Honourable Senators:

Atkins, Grafstein,
 DeWare, *Graham,
 Fairbairn, (or Carstairs)
 Kinsella.

Deputy Chair:

*Lynch-Staunton,
 (or Kinsella)
 Robichaud,
 (L'Acadie-Acadia).
 Mercier,

Original Members agreed to by Motion of the Senate

Atkins, Corbin, DeWare, Fairbairn, *Graham (or Carstairs), Hébert, Kinsella,
 *Lynch-Staunton (or Kinsella, acting) Lewis, Phillips, Stanbury.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Murray

Honourable Senators:

Balfour, Ferretti Barth,
 Butts, Gill,
 Cohen, *Graham,
 Cools, (or Carstairs)
 Johnstone.

Deputy Chair: Honourable Senator Butts

Lavoie-Roux, Maloney,
 LeBreton, Murray,
 *Lynch-Staunton, Ruck.
 (or Kinsella)

Original Members as nominated by the Committee of Selection

Bonnell, Bosa, Cohen, Cools, Forest, *Graham (or Carstairs), Haidasz, Lavoie-Roux, LeBreton,
 *Lynch-Staunton (or Kinsella, acting), Maheu, Murray, Pépin, Phillips.

SUBCOMMITTEE ON VETERANS AFFAIRS
(Social Affairs, Science and Technology)**Chair: Honourable Senator**

Honourable Senators:

Balfour, *Graham,
 Cohen, (or Carstairs)
 Johnstone,

Deputy Chair: Honourable Senator Johnstone

*Lynch-Staunton,
 (or Kinsella)
 Ruck.

TRANSPORT AND COMMUNICATIONS

Chair:	Honourable Senator Poulin	Deputy Chair:	Honourable Senator Forrestall
Honourable Senators:			
Adams,	Forrestall,	Johnstone,	Poulin,
Buchanan,	*Graham, (or Carstairs)	*Lynch-Staunton, (or Kinsella)	Roberge,
Callbeck,	Johnson,	Maheu,	Rompkey,
Fitzpatrick,			Spivak.

Original Members as nominated by the Committee of Selection

*Adams, Atkins, Bacon, Buchanan, De Bané, Forrestall, *Graham (or Carstairs), Johnson,
Lynch-Staunton (or Kinsella, acting), Mercier, Perrault, Poulin, Roberge, Rompkey

SUBCOMMITTEE ON COMMUNICATIONS (Transport and Communications)

Chair:	Honourable Senator Poulin	Deputy Chair:	Honourable Senator Spivak
Honourable Senators:			
Bacon,	Johnson,	Maheu,	Spivak.
*Graham, (or Carstairs)	*Lynch-Staunton, (or Kinsella)	Poulin,	

SUBCOMMITTEE ON TRANSPORTATION SAFETY AND SECURITY (Special)

Chair:	Honourable Senator Forrestall	Deputy Chair:	Honourable Senator Adams
Honourable Senators:			
Adams,	*Graham, (or Carstairs)	*Lynch-Staunton, (or Kinsella)	Perrault,
Forrestall,	Johnstone,	Maloney,	Roberge, Spivak.

CONTENTS

Tuesday, May 4, 1999

PAGE

PAGE

SENATORS' STATEMENTS

The Battle of the Atlantic

Commemoration. Senator Graham	3220
Senator Forrestall	3221
Senator Bolduc	3221
Senator Taylor	3221
Senator Comeau	3222

Access to Census Information

Unacceptability of Petition in Electronic Format.	
Senator Milne	3222

Mental Health Week

Senator Lavoie-Roux	3222
---------------------------	------

Health

Changes to Nova Scotia Pharmacare Program.	
Senator Oliver	3223

Alberta

Shooting Tragedy at W. R. Myers High School in Taber— Memorial Service for the Late Jason Lang. Senator Fairbairn	3223
--	------

The Economy

Criticism by Nortel Executives of Tax Base. Senator Murray	3224
--	------

ROUTINE PROCEEDINGS

Official Languages

Annual Report of Commissioner Tabled.	3224
--	------

Private Bill (Bill S-18)

Alliance of Manufacturers and Exporters Canada— Report of Committee. Senator Kirby	3224
---	------

Foreign Affairs

Changing Mandate of North Atlantic Treaty Organization— Budget Report of Committee on Study Presented and Printed as Appendix. Senator Stewart	3225
Consequences of European Monetary Union—Budget Report of Committee on Study Presented and Printed as Appendix.	
Senator Stewart	3225

Adjournment

Senator Carstairs	3226
-------------------------	------

Assemblée Parlementaire de la Francophonie

Reports of Canadian Delegation to Meeting in Cairo, Egypt. Tabled. Senator De Bané	3226
---	------

Shipbuilding Industry

Lack of Government Support—Notice of Inquiry.	
Senator Forrestall	3226

Access to Census Information

Presentation of Petition. Senator Milne	3226
---	------

QUESTION PERIOD

Immigration

Conflict in Yugoslavia—Refugee Quota—Government Position.	
Senator Kinsella	3226
Senator Graham	3226

North Atlantic Treaty Organization

Conflict in Yugoslavia—Release of American Prisoners— Increase in Bombing Activity. Senator Kinsella	3227
Senator Graham	3227
Conflict in Yugoslavia—Release of American Prisoners— Possibility of Peace Talks—Government Position.	
Senator Roche	3227
Senator Graham	3227
Conflict in Yugoslavia—Plight of Refugees. Senator Roche	3227
Senator Graham	3227

National Revenue

Loss of Disposable Income as a Result of Taxation— Government Position. Senator Oliver	3227
Senator Graham	3228

National Defence

Effect of Budget Cuts on Peacekeeping Missions— Government Position. Senator Roberge	3228
Senator Graham	3228
Awarding of Contract for Replacement of Sea King Helicopters— Request for Information. Senator Forrestall	3228
Senator Graham	3229

National Revenue

Statements by Prime Minister and Minister of Industry on Tax Policy—Request for Clarification. Senator Tkachuk	3229
Senator Graham	3229

Delayed Answers to Oral Questions

Senator Carstairs	3230
-------------------------	------

National Defence

Search and Rescue Service—Number of Emergency Helicopter Landings—Request for Tabling of List. Question by Senator Forrestall.	
Senator Carstairs (Delayed Answer)	3230

National Revenue

Auditor General's Report—Comments on Underground Economy— Government Position. Question by Senator Oliver.	
Senator Carstairs (Delayed Answer)	3231

Treasury Board

Conflict in Former Yugoslavia—Funding for Humanitarian and Military Initiatives—Request for Information. Questions by Senators Roberge and Nolin.	
Senator Carstairs (Delayed Answer)	3231

Foreign Affairs

World Trade Organization—Support for China's Application—Government Position. Question by Senator Andreychuk.	
Senator Carstairs (Delayed Answer)	3230

Pages Exchange Program with the House of Commons

The Hon. Speaker	3232
------------------------	------

ORDERS OF THE DAY**Extradition Bill (Bill C-40)**

Third Reading—Motions in Amendment—Debate Continued.	
Senator Andreychuk	3234
Senator Grafstein	3238
Senator Cools	3239
Senator Graham	3240

Criminal Code (Bill S-29)

Bill to Amend—Second Reading—Debate Adjourned.	
Senator Lavoie-Roux	3244

Health Care in Canada

Inquiry—Debate Continued. Senator Atkins	3246
--	------

Appendix	i
----------------	---



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CANADA

Debates of the Senate

1st SESSION

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36th PARLIAMENT

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OFFICIAL REPORT
(HANSARD)

Wednesday, May 5, 1999

THE HONOURABLE FERNAND ROBICHAUD
ACTING SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, May 5, 1999

The Senate met at 1:30 p.m., the Acting Speaker, the Honourable Fernand Robichaud, in the Chair.

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE DOUGLAS S. HARKNESS, P.C., O.C.

TRIBUTES

Hon. J. Michael Forrestall: Honourable senators, I rise today with sadness but also with pride at the accomplishments of one who has just recently left us; one who, in a sense, was my mentor. If Senator Graham is curious as to the origin of my interest in the military, I can say that it came from the Honourable Douglas Harkness, who recently passed away.

Lieutenant-Colonel Harkness was an example to all of us of a good Canadian. Indeed, you could use the word "great." He was a man of honour and principle, qualities which we sometimes find lacking today.

He started life in Alberta as a farmer. He taught school. When war was declared, he joined the artillery and served throughout World War II in Sicily, Italy, and in northwest Europe. He rose to the rank of Lieutenant-Colonel. Colonel Harkness was awarded the George Medal for bravery.

He survived the war to serve in the peacetime army as commanding officer of the 41st Antitank Regiment. Here too, Colonel Harkness was a great Canadian.

He was also a statesman. He was first elected to the House of Commons in 1945. If any of you are interested in history, you should go back and read the Hansard of that Parliament. Some of the great Canadian, war-time-serving personnel sat in that Parliament, and the debates are worth rereading.

I always felt proud of my election record, having been elected seven times. Doug Harkness was elected in 1945, 1949, 1953, 1957, 1958, 1962, 1963, 1965, and 1968. I came along in 1965. He served as Minister for Northern Affairs and Natural Resources, Agriculture and, most notably, Minister of National Defence.

As I indicated, he was a man of principle and class. In cabinet, he took on John Diefenbaker over the use of nuclear weapons. This issue caused his resignation from cabinet, but it was a decision of principle. Doug also placed the Canadian Forces on

alert at the height of the Cold War on his own initiative and on his own responsibility. I can only imagine the courage that it took, during a nuclear showdown, to have proceeded along that path.

In the end, the Honourable Doug Harkness was awarded the Order of Canada for his service to his country, a fitting tribute to a dedicated and brave Canadian soldier and statesman. It was my privilege to know him and to serve with him in Parliament.

To his family and wide circle of friends, I extend my heartfelt sympathy.

Hon. Dan Hays: Honourable senators, I join with Senator Forrestall and other senators, particularly those from my home province of Alberta, in saying some words of tribute to the memory of the Honourable Douglas Harkness, Lieutenant-Colonel.

In sharing these thoughts about a fellow Calgarian, I must say that although I knew him, I did not know him particularly well. When I spoke to Senator Stewart earlier, he indicated that he knew him as a quiet man of great distinction and enormous integrity. He was a man who was at once a parliamentarian, a farmer, a soldier, as well as being a proud Canadian in every respect.

Although he was born in Toronto in 1903, he moved to Calgary at the age of 14, in 1917. In addition to being a great Canadian, that qualifies him as being a great Calgarian, and someone of whom we are very proud in that city.

• (1340)

It is unnecessary to touch again on some of the things that Senator Forrestall has said. Nevertheless I wish to add a few things. Doug Harkness graduated from the University of Alberta with an arts degree, and was by profession a teacher. He taught at Crescent Heights High School from 1929 to 1939. As a student in the Calgary high school system, I can remember that, as a teacher, he was regarded with great respect and fondness.

Doug Harkness also had a lot to do with the Progressive Conservative voting tradition of Calgary. That tradition, which held until 1993, withstood the challenge of the Social Credit Party. In my opinion, Doug Harkness and individuals like him had a lot to do with that. In fact, during his lifetime and before, there were rare occasions when we in Calgary did not return a Progressive Conservative to the House of Commons. The two exceptions were in 1963, when my father, the late Harry Hays was elected, and in 1968 when Pat Mahoney was elected. That is a tribute to the way in which Doug Harkness was regarded.

When Mr. Harkness retired in 1972, he was succeeded by Harvie Andre, who, in turn, served until his retirement. In his time as Minister of Agriculture and Agri-Food, Mr. Harkness was responsible for introducing the legislation that gave rise to the Farm Credit Corporation, which, in turn, succeeded two entities, the VLA, or Veterans Land Act, as well as the Farm Loans Board, which preceded the Farm Credit Corporation. It has served us extraordinarily well since that time.

Mr. Harkness will also be remembered for his stand on the issue that probably heralded the end of the Diefenbaker government. He was a man of such integrity that he stood by his principles. Many honourable senators will vividly recall the issue involving the presence of nuclear weapons in Canada. That issue is with us to this day, not in that same form but as an important public policy issue. Douglas Harkness resigned over that issue, and if I read everything correctly, Mr. Diefenbaker never spoke to him again following that time.

Even in 1988, in an interview with the *Calgary Herald*, when his memory was refreshed about this incident, Douglas Harkness said that he had no regrets and that he stood by his principles. That is the kind of man he was. Whether you agreed or disagreed with him, he made a remarkable contribution to the good governance of Canada, either as a member of the government or as its critic.

I join with Senator Forrestall and other honourable senators in extending condolences to his family, and in congratulating the Harkness family on a remarkable Canadian, Douglas Harkness.

Hon. Nicholas W. Taylor: Honourable senators, I concur with everything that has been said by Senators Forrestall and Hays. They have covered Douglas Harkness's character so well.

I rise this afternoon only to give honourable senators a brief snapshot of my connection with Douglas Harkness. In the 1968 election, I was the person who lost on the Liberal side. It was a close and hard fought election, but Douglas Harkness was always a gentleman.

One of the things that he jossed me about for years involved my time with the RCNVR. Although he was in the army, Douglas said that he had more navy time than I did because one of the troop ships that he was on, crossing from Africa to Italy, was torpedoed. The skipper was not able to take over, so Douglas, a prairie boy from Calgary in the anti-tank regiment, took over the troop transport and sailed the rest of the way with the crew. Indeed, he did have much more naval experience than I had!

Douglas Harkness was an outstanding asset to the community in every way. I can remember the debates on the Beaumark missile, when Diefenbaker bought the missile and had it moved to Canada, then decided not to use the warhead. Douglas Harkness resigned on that principle and left the cabinet. I think

that caused a mortal wound for the party, although it is always difficult to tell why parties win or parties lose.

Douglas Harkness and his wife were outstanding contributors to life in Calgary. He lived a life of principle. He also experienced a great deal of heartache; his only son predeceased him some years ago.

Honourable senators, I wish to join with others in saying that our heart goes out to his family and friends. He was certainly one of whom we can truthfully say, "He now belongs to the ages."

[Translation]

MONTREAL YWCA FOUNDATION

WOMEN OF DISTINCTION AWARDS 1999

Hon. Lucie Pépin: Honourable senators, last week the Montreal YWCA gave out its Women of Distinction Awards 1999. These are awarded yearly to Montreal women who have distinguished themselves through their personal accomplishments, social involvement, and contribution to the cause of women.

Honourable senators, it is always a very enriching experience to attend the Women of Distinction Awards Gala, and to be surrounded by such talented and energetic women. It is also one of the rare opportunities one has to spend an entire evening focussing attention on the exceptional accomplishments of women.

[English]

Each year, I come away from this event with my spirits lifted, confident that in some very important ways our society seems to be moving in the right direction. Through their courage and confidence, women are breaking down barriers and making incredible contributions in areas that were unthinkable 25 years ago.

The humour, the humility and the grace with which these women go about their interesting lives deserves recognition and celebration. Let me take a minute to say a few words about the distinctive accomplishments of each of our recipients.

[Translation]

Johanne Daly earned professional recognition for women as mechanics by encouraging young women in this choice of career. Referring to those famous trade calendars found in all garages, which always feature a curvaceous blonde, her comment was: "The only bodies we are interested in here are car bodies."

Wanda Kaluzny is the first woman conductor in Canada. Twenty-five years ago, orchestras were not hiring women conductors, so she decided to start up her own, the Montreal Chamber Orchestra, which is still under her baton to this day.

[English]

Kate Williams was recognized for communications work on women's issues and her tireless efforts in promoting the accomplishments of women at McGill University.

Dr. Lynn McAlpine has had an impact on the lives of countless women at home and abroad through her research and action promoting women's education.

[Translation]

Louise Guay is a role model for women entrepreneurs. She created Public Technologies Multimedia, an internationally renowned company in which art and technology go hand in hand.

Huguette Bélanger gained recognition as a pioneer in promoting health care and consciousness-raising programs for women in Quebec, particularly in connection with menopause and the early detection of cancer.

[English]

Martha Crago received an award for her many contributions to language learning and issues of cultural impact in education, especially among children in native communities of Northern Quebec.

[Translation]

Denise Caron was recognized for her devotion to the cause of social justice and equality, particularly her defence of refugee communities and of the rights of Montreal's population at risk.

[English]

Robin Marlene Hornstein received her award for founding a breast cancer survivors' group. Members compete in dragon boat festivals, addressing their health situation with strength and vigour.

[Translation]

Mochéda Alexandre received the Jeune Femme de distinction award for leadership qualities she displayed in high school and at Cégep.

Louise Fleischmann was honoured as the co-founder of the annual art exhibition, *Les Femmeuses*, which raised funds for and publicized shelters for battered women and of the Fondation Carrefour pour elle.

Such fine successes by these exceptional women are for me a source of courage and pride. I salute each of the winners and I thank the Montreal YWCA foundation for giving us another opportunity to celebrate.

[English]

• (1350)

THE LATE BISHOP JUAN GERARDI OF GUATEMALA

FIRST ANNIVERSARY OF ASSASSINATION

Hon. Mary Butts: Honourable senators, some days ago I was asked by the Minister of Foreign Affairs, the Honourable Lloyd Axworthy, to replace him at the commemoration of the first anniversary of the assassination of Bishop Juan Gerardi of Guatemala.

The bishop was bludgeoned to death with concrete blocks in the garage of his parish house at 10:00 p.m. on the night of April 26, 1998. Two days before the murder, the bishop, who had chaired the church commission on human rights in Guatemala, had released a report documenting the torture, kidnapping, massacre and other crimes against humanity, committed largely by the Guatemalan army during the 1960-1996 civil war.

The police at first detained an indigent from the streets but, after some months, released him for lack of evidence. Then they detained a fellow priest of the bishop's with no apparent motive, and he was released after seven months.

In January, Judge Henry Monroy was assigned to the case and made a few advances in the investigation. However, he resigned from the case in March, citing threats to his life and the lack of support from the judicial system. This judge is now in exile in Canada, and the new prosecutor in the case has had just as little encouragement from the government. This case demonstrates a complete lack of political will on the part of the government to pursue the murderers.

Because this prelate was so popular with his people, there was a weekend of tributes from churches and governments all over the Americas, and from several countries of Europe. The Guatemalan government, however, was represented by a few functionaries. The present government is an elected one, but seems unable to curtail the power of the military.

For my specific role, I travelled alone to Guatemala and was met at the airport by Ambassador Livermore, who helped me move quickly through customs and into a specially licensed car with a driver and a security person. On Sunday, and again on Monday, the anniversary day, I attended four-hour services of prayers, tributes and eulogies, held outdoors with an estimated crowd of 50,000 people. The tributes spoke of how hard the bishop had fought for his people's rights, and had given them hope for the future.

I also joined in processions through the streets and did what the Guatemalans do: carried a wreath of flowers to lay at the bishop's crypt. It was moving to observe these thousands of poor people singing happy hymns of *Alleluia* and *Resurrectionis* while tears streamed down their cheeks. In my world, people would sing dirges and laments at a graveside.

I wish to add that the ambassador's driver and his security guard took a couple of hours out of their workday to drive me in a four-wheeler up into the mountains for a short visit with my missionary sisters. It was a path with a dirt trail, where even in a four-wheel drive vehicle the chauffeur stopped several times to determine if he could drive around the next corner. When we arrived at the settlement, men, women and children came out from their lean-tos in order to have a look at the car.

In a shack on the side of the hill, the shack that was the convent, I visited three sisters: an English Canadian, a French Canadian, an American and two novices from Honduras, and all the conversation was in Spanish. These sisters are teaching women and children who gather around them in the outdoors. It was a picture to remember and an inspiration for me.

I simply want to thank the minister and the Department of Foreign Affairs and International Trade for providing me the opportunity to honour the slain bishop, the hero of Guatemala, and to visit the sisters I work to support. When we speak so easily of human rights, especially the rights of all humans, it is helpful to realize how much some people must fight to have those rights.

VISITORS IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, permit me to introduce to you some visitors in our gallery. They are participants at the spring session of the Parliamentary Cooperation Seminar and are from Ontario, Australia, Hong Kong, Namibia, and Zambia.

Welcome to Canada, and welcome to the Senate.

ROUTINE PROCEEDINGS

FISHERIES

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Gerald J. Comeau: Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Fisheries be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

QUESTION PERIOD

CANADIAN HERITAGE

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL— RESULT OF RECENT NEGOTIATIONS—POSSIBILITY OF AMENDMENTS—GOVERNMENT POSITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have a question, to no one's surprise, based on the report in the today's *National Post* to the effect that the Minister of International Trade is quoted as saying:

...Canada and the United States are close to reaching "an honourable deal" on Bill C-55...

Senator Kinsella: Clause by clause!

Senator Lynch-Staunton: The article goes on to quote the minister as saying the following:

There are a number of proposals on the table. I feel that an honourable deal is possible. Now it takes two governments to agree to that...

I'm optimistic. I think that a deal is doable. I think the officials have done some good work. Now it's a matter of seeing if we can put that deal together and go from here...

I would like the Leader of the Government in the Senate to confirm or deny that an honourable deal has been reached and, if so, what impact it will have on Bill C-55, which is presently before the Standing Senate Committee on Transport and Communications?

Senator Kinsella: Start skating.

• (1400)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Senator Kinsella mentioned "skating." I would like the honourable senator to know that, while the ice has disappeared from the Rideau Canal, I did buy new rollerblades two weeks ago. I invite any honourable senator to come rollerblading with me on the canal on any weekend.

It is true that we are currently reviewing options to resolve this matter based on recent discussions between Canadian and American officials.

Senator Lynch-Staunton: To be a little more precise, the minister, during the second reading debate and again last week during Question Period, told this house that he was not aware of any government amendments to the bill.

Does the minister maintain that position today, as the Minister of International Trade's statement certainly indicates that a deal is in the works? As far as I am concerned, the only way a deal could be implemented is by scrapping Bill C-55 and introducing a new bill, or by proposing amendments to Bill C-55. I am wondering which avenue the government intends to take.

Senator Graham: Honourable senators, at present, I am not aware of any government proposed amendments.

[Translation]

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL—
RESULT OF RECENT NEGOTIATIONS—ACTIVITIES OF
TRANSPORT AND COMMUNICATIONS COMMITTEE

Hon. John Lynch-Staunton (Leader of the Opposition): My last question is for the Chair of the Standing Committee on Transport and Communications. According to the notices we have received, the committee will meet on Tuesday, May 11, at nine o'clock. First, the agenda indicates that Sheila Copps will testify and, second, that we will consider Bill C-55 clause by clause.

[English]

From what I read from the agenda, the minister sponsoring Bill C-55 will appear next week, after which we are to go into clause-by-clause consideration of the bill. My question to the chair of the committee is: Are we still holding with that agenda?

Once again, I offer to members of the other side our full cooperation in getting this bill passed as soon as possible to ensure that it not be influenced by outside interests, as it appears to be, according to Minister Marchi. If the other side so desires, we can go ahead with clause-by-clause consideration at this time. However, if we cannot do that, are we still guaranteed that we will go into clause-by-clause consideration on this bill no later than next Tuesday, May 11?

Hon. Marie-P. Poulin: Honourable senators, I thank the Leader of the Opposition for giving me an opportunity to thank the members of the Standing Senate Committee on Transport and Communications. Members of the committee from both sides of the house have been doing an incredible job listening to all the witnesses who are key stakeholders in Bill C-55.

Honourable senators, we do have an agenda in terms of timing. We will be hearing witnesses on Thursday.

Senator Lynch-Staunton: Honourable senators, I share with the chairman of the committee the great contributions of the people interested in the bill. However, what we want to know is whether the minister will appear next week and whether clause-by-clause consideration will take place next week, as is indicated on this notice.

Senator Poulin: The answer to the question is "yes."

INDUSTRY

SHIPBUILDING—LEASE FINANCING TAX REGIME SIMILAR
TO EUROPEAN COUNTRIES—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and it relates to shipbuilding and lease financing.

Our shipyards can compete with European yards on cost, they cannot compete with them on financing. The result is that an industry with the capacity to employ 10,000 people now only employs 4,000 people. The result is that shipyards, such as the one in Saint John, New Brunswick, are faced with closure.

Canadian shipbuilders have offered concrete suggestions to deal with this situation. One of their suggestions deals with how our tax system treats leases.

Honourable senators, lease financing has become the predominant method of financing significant capital items in Canada today. However, our depreciation rules make leasing a very expensive way for shipbuilders to build vessels for potential customers. They have suggested faster write-offs for leased ships, as is already done in Europe. Our government does this already for railcars, trucks and computers.

Over the long term, this proposal would be revenue neutral, as the government would simply wait a few more years to get its money. Would the Leader of the Government in the Senate please explain why the government has refused to extend to the shipbuilding industry a fair tax regime similar to that already provided by shipbuilders in Europe, and which is already provided in Canada for railcars, trucks and computers?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I recall very well the growth of the shipbuilding industry. It developed under the government of former prime minister Pierre Trudeau. The Saint John shipbuilding and dry dock enterprise got its real impetus with the start of the excellent program on building frigates for our Canadian navy at that time. It is not only an important industry for Saint John, New Brunswick, but for Halifax, Nova Scotia, and for many other areas of the country.

I share the concerns of Senator Oliver in this matter. It is something that I have brought and will continue to bring to the attention of my cabinet colleagues.

Senator Oliver: My specific question dealt with whether or not the government will do something to bring in a fairer tax regime similar to that provided by shipbuilders in Europe. The honourable minister did not deal with that question. Perhaps when the minister responds to my supplementary question, he could answer my first question.

The Globe and Mail of March 31, 1990, stated that when confronted by union protesters challenging his company's decision to have ships built in Brazil, Liberal leadership candidate Paul Martin said that the federal government was responsible for the tough times in the Canadian industry.

Could the Leader of the Government in the Senate inquire of the Minister of Finance whether he still feels that the federal government is responsible for the tough times in the Canadian industry?

Senator Graham: Honourable senators, I just indicated many programs initiated by the federal government that have been, and will continue to be, of benefit to the shipbuilding industry in Canada and it will continue to do so.

NATIONAL DEFENCE

RAPID REACTION AND POWER PROJECTION CAPABILITIES— REPLACEMENT OF EQUIPMENT—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, yesterday, the retiring chairman of the NATO military committee stated that the military capabilities of European nations and Canada must be greatly improved. He also said that we require action and not just more paper declarations.

My question to the minister is this: What steps is this government taking to increase our rapid reaction and power projection capabilities that are very clearly lacking at this time?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, our rapid reaction and power projection capabilities are very much on track. The Minister of National Defence has indicated that we are fully capable of complying with our international peacekeeping obligations, be it NATO or otherwise.

The Minister of National Defence has indicated, as I stated and reaffirmed yesterday, that we are in the process of developing a procurement program for the replacement of the Sea King helicopters.

Senator Forrestall: When will this be done?

Senator Graham: As I said yesterday, I cannot provide an explicit date. However, I believe that the Minister of National Defence made that commitment publicly to all honourable senators at the briefing on Kosovo last week.

Senator Forrestall: That is 1,244 days after you said "very soon."

• (1410)

Honourable senators, the inference from the Leader of the Government is that in a coalition you need not be totally prepared; that you can rely on your colleagues and allies to a certain degree. Yet, for some strange reason, we find that with NATO now in crisis, we are waiting in line for tanker aircraft in-theatre. We cannot get American tankers to fly the Atlantic to refuel our fighters because they are too busy over Yugoslavia. As well, our 800 troops are waiting for the government to rent a ship on the open market, supposedly, to transport them overseas because we have no sea lift capability. Our allied sea lift is busy transporting its own forces. Strangely, the government is, as usual, being proven wrong.

Can the government leader comment on the gaps in capability or lack of capability to project that power to the degree we have it?

Senator Graham: Honourable senators, the Honourable Senator Forrestall continually emphasizes the negative. Why does he not look at the positive and talk about our Coyote land vehicles, which are second to none in the world? They are being produced in the General Motors plant in London, Ontario, with some of the more sophisticated work done at Litton Industries in Halifax, Nova Scotia. Why does he not accentuate some of the positive things being done by Canadians, by the military and by our Canadian industries?

Senator Lynch-Staunton: Answering a question with a question shows there is no answer.

Senator Forrestall: Does the Leader of the Government in the Senate know that the Coyote is a refurbished General Motors pick-up?

Senator Graham: Tell that to the military people who operate them and ask them how pleased they are with the performance of the vehicle.

Senator Forrestall: For the honourable leader's edification, I have done that, and our military personnel are more likely to tell you the truth than is my honourable friend.

Senator Graham: How do you know that?

Senator Forrestall: Honourable senators, we have consigned 800 troops. We do not know whether or not they are on active service. We do not know how or under what law they will operate. Even more frustrating, how will we get them there? What are we doing to solve that problem?

Senator Kinsella: Watch CNN.

Senator Graham: Honourable senators, the 800 troops will go through the Port of Montreal, en route to Greece and to the theatre of action.

Senator Forrestall: How? Will they walk on water, as the honourable leader suggested he does a few moments ago?

Senator Graham: Perhaps my honourable friend will listen for a moment. He is engendering or promoting fear among the military that they will not be adequately covered, which is a false assumption.

Senator Forrestall: Do not accuse me of that, Senator Graham.

Senator Graham: That false assumption is being promoted in the press. Under an Order in Council introduced in 1989, all members of the Canadian Forces are on active service to fulfill our NATO commitments. Therefore, no Order in Council is required before sending them into NATO operations in the Balkans.

Senator Forrestall: As a final supplementary, might I ask the Leader of the Government in the Senate why someone on that side could not have been truthful and honest enough to tell us that? We have been asking that question for months now.

Senator Graham: Perhaps the honourable senator missed it. I gave that information to the Senate on a previous occasion.

HUMAN RESOURCES DEVELOPMENT

STATEMENT BY PRIME MINISTER—CLASSIFICATION OF EMPLOYMENT INSURANCE AS TAX—GOVERNMENT POSITION

Hon. David Tkachuk: Honourable senators, yesterday I asked a question of the Leader of the Government in the Senate regarding statements by Minister Manley and the Prime Minister, and the honourable leader said he fully agreed with the Prime Minister. In the House of Commons, the Prime Minister said:

Mr. Speaker, we have already started to cut taxes... We have reduced the EI contribution from \$3.07 to \$2.55.

For purposes of clarification, is the government now saying that the Employment Insurance program is a tax?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the answer is "no," but let me add that, in spite of the staggering deficits left by the previous government —

Some Hon. Senators: Oh, oh!

Senator Graham: — we have been able to deliver tax relief to every Canadian taxpayer. Would senators opposite like some numbers?

Senator Nolin: We could give you some numbers.

Senator Tkachuk: I asked the question.

Senator Graham: Perhaps my honourable colleague would like to ask another one.

Senator Tkachuk: The Prime Minister also said that the government has reduced taxes by \$16.5 billion. The Leader of the Government in the Senate claims that the Employment Insurance tax is not a tax. Are we to assume that the tax cuts the Prime Minister talked about, which refer to Employment Insurance, were not tax cuts? Were they included in the \$16.5 billion?

Senator Graham: Honourable senators, it is true that Canadians will experience \$16.5 billion in tax relief over the next three years. For the first time since 1965, not a single penny will be borrowed to pay for it.

Senator Tkachuk: Honourable senators, I am having difficulty getting answers to this question. I am not sure I understand the honourable leader's answer.

The Prime Minister stated that the government has reduced Employment Insurance contributions as a symbol of tax relief. The Honourable Leader of the Government is saying that he does not consider and the government does not consider Employment Insurance a tax. Are the reductions referenced by the Prime Minister of \$3.07 to \$2.55 part of the total amount included in the \$16.5 billion of tax relief over the coming years?

Senator Graham: Honourable senators, my understanding is that that is not the case. However, while I am on my feet, let me say that over 600,000 low-income Canadians have been removed from the tax rolls.

Senator Lynch-Staunton: How many have been bracketed upward?

Senator Graham: We have increased the personal exemption to \$675. We have eliminated the 3 per cent surtax for all taxpayers, a surtax introduced by the previous government. We have increased the Child Tax Benefit by \$1.7 billion and provided an additional \$300 million to extend it to middle-income families. As well, we increased the childcare expense deduction, among many other positive measures taken by this government.

Senator Lynch-Staunton: Did you not reduce the deficit by \$47 billion? You forgot to mention that.

FOREIGN AFFAIRS

KOSOVO—PLANS FOR POST-CONFLICT INITIATIVES—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, I should like to return to the issue of Kosovo and take a more optimistic tone in saying that some of the diplomatic initiatives presently in place will bear fruit.

On that basis, can the Leader of the Government in the Senate tell us what post-conflict plans Canada has made with respect to Kosovo? With whom has it shared these plans, or are plans being formulated jointly with NATO? Are the United Nations and its agencies included?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Canada is very conscious of the post-conflict problems that will arise. It is estimated that it will cost billions of dollars. Those most responsible are looking ahead first to the end of the conflict, but certainly there are those who are directly responsible for putting these matters into proper perspective. Canada, with its NATO allies, and indeed in talks with other members of the United Nations, is discussing what will occur in the post-conflict period.

• (1420)

Senator Andreychuk: Honourable senators, the press has reported that the Minister of Foreign Affairs gave a speech in which he indicated that he has a plan for post-conflict land mine removal, even as they are probably being placed.

Where will Canada's emphasis lie? Will that be the total contribution of Canada, or will we make a serious commitment to relieving the difficulties and tensions between the various ethnic groups and thereby to a long-term solution in the Balkans, rather than only an immediate response to the war effort?

Senator Graham: Honourable senators, I am pleased that Senator Andreychuk has raised that point because there are ethnic problems and very serious humanitarian problems. As well, there will be other problems related to people rebuilding their lives and earning a livelihood.

I assure the honourable senator that the various agencies and departments in Canada that have that responsibility are actively engaged in anticipating those problems.

Senator Andreychuk: Honourable senators, to what extent will these plans be made public in order to give the people of the former Yugoslavia some assurance that we are not abandoning them, whether they live in Belgrade or in the Kosovo area?

Senator Graham: Honourable senators, I do not know of any current intention to make the plans public. I do not know whether that would be appropriate, but certainly I will bring that proposition to the attention of my colleagues for review.

YUGOSLAVIA—PLANS FOR POST-CONFLICT INITIATIVES—
INVOLVEMENT OF UNITED NATIONS—GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate. With respect to Canada's post-conflict plans for UN involvement in Kosovo, and given the gravity of this situation with respect to world security, is it the intention of the government to suggest that there be a summit meeting of the Security Council of the United Nations at an appropriate time? Would the leader report back to the Senate at an opportune moment on the nature of UN involvement?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would be pleased to do that at the appropriate time. We have had several exchanges with respect to the Security Council and its involvement in Kosovo and in the Yugoslav Republic. I indicated that it was difficult to find a positive resolution because of the veto by China and Russia.

Discussions have been held between the Premier of China and our Prime Minister and there has also been active engagement between the Prime Minister of Canada and the former prime minister of Russia. There have been meetings between Minister of Foreign Affairs, Lloyd Axworthy, with the UN Secretary-General in Moscow, and the Foreign Minister of Russia. Minister Axworthy has since also held meetings with other foreign ministers. I understand that there is to be a meeting of the G-8 foreign ministers in Bonn tomorrow. It is to be hoped that this will lead to further progress in finding a diplomatic solution to that horrific problem.

[Translation]

FINANCE

FISCAL POLICY OF GOVERNMENT—STATEMENTS BY MINISTER—
REQUEST FOR CLARIFICATION

Hon. Roch Bolduc: My question is for the Leader of the Government in the Senate. Mr. Manley, the Minister of Industry, recently said that taxes in Canada were very high and should be lowered to a level comparable to those of the United States.

Mr. Martin answered by saying that taxes are high, but are being lowered slowly and in a balanced manner. Mr. Marchi, the Minister for International Trade, had something else to say.

[English]

He suggested that high Canadian taxes are driving away investment in Canada and making it difficult for would-be entrepreneurs to build businesses.

[Translation]

Could the Leader of the Government tell us what the government's fiscal policy is?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the Canadian government's tax policy is to reduce taxes as soon as possible.

[Translation]

Senator Bolduc: I do not understand your answer. The Prime Minister said that taxes were high because of the way we do things here in Canada. We spend a lot of money to lead to prosperity. Everyone is telling him that that is not what will happen.

Is the Prime Minister going to let his ministers run off at the mouth in public? Is this the way the Prime Minister leads the government? One morning, one minister says one thing, and then another says the opposite. They are like a bunch of high school students saying the first thing that pops into their head. They can express their views at the cabinet meeting if they wish, because that is the appropriate place. However, outside of cabinet, the government should speak with one voice. What does that one voice say about tax policy?

[English]

Senator Graham: Honourable senators, Senator Tkachuk indicated that the government has plans to cut \$16.5 billion in taxes over the next three years. I was very happy to confirm that figure. I also said that we have removed 600,000 Canadians from the tax rolls. We have reduced market debt by approximately \$20 billion in the last two years. Inflation and interest rates are low. We have eliminated the deficit in two successive budgets and we have created 1.6 million new jobs.

Senator Lynch-Staunton: Don't forget that the dollar is going up.

Senator Graham: Senator Lynch-Staunton has just reminded me that the dollar is going up. Also, as I said yesterday, interest rates have gone down 25 basis points.

Senator Lynch-Staunton: Call an election.

THE ECONOMY

RESPONSIBILITY FOR ELIMINATION OF DEFICIT— GOVERNMENT POSITION

Hon. Terry Stratton: Honourable senators, I noted that the Leader of the Government in the Senate took credit, on behalf of his party, for eliminating the deficit. When will he give credit where credit is due? The Liberal government did not eliminate the deficit; the people of Canada eliminated the deficit. The people of Canada, made the sacrifices. They gave up things that they should have had. We paid too much tax. Please admit that.

Hon. B. Alasdair Graham (Leader of the Government): Yes, I will say that. The people of Canada reduced the deficit under a Liberal government.

Senator Stratton: If the deficit is gone, when will the government reduce taxes so that the people of Canada can buy a few things for their families and improve their quality of life, under a Liberal government?

ORDERS OF THE DAY

EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Pearson, for the third reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence,

And on the motions in amendment of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., that the Bill be not now read a third time but that it be amended:

1. in clause 44:

(a) by replacing lines 28 and 29 on page 17 with the following:

“circumstances;

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner; or

(c) the request for extradition is made for”; and

(b) by replacing lines 1 to 6 on page 18 with the following:

“(2) Notwithstanding paragraph (1)(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances.”.

2. in Clause 2 and new Part 3:

(a) by substituting the term “general extradition agreement” for “extradition agreement” wherever it appears;

(b) by substituting the term “specific extradition agreement” for “specific agreement” wherever it appears;

(c) in clause 2, on page 2

(i) by adding after line 5 the following:

““extradition” means the delivering up of a person to a state under either a general extradition agreement or a specific extradition agreement.”;

(ii) by deleting lines 6 to 10;

(iii) by replacing line 11 with the following:

“ “extradition partner” means a State”;

(iv) by adding after line 15 the following:

“ “general extradition agreement” means an agreement that is in force, to which Canada is a party and that contains a provision respecting the extradition of persons, other than a specific extradition agreement.

“general surrender agreement” means an agreement in force to which Canada is a party and that contains a provision respecting surrender to an international tribunal, other than a specific extradition agreement.”;

(v) by replacing lines 20 and 21 with the following:

“ “specific extradition agreement” means an agreement referred to in section 10 that is in force.

"specific surrender agreement" means an agreement referred to in section 10, as modified by section 77, that is in force.;"

(vi) by replacing lines 29 to 31 with the following:

"jurisdiction of a State other than Canada; or

(d) a territory.

"surrender partner" means an international tribunal whose name appears in the schedule.

"surrender to an international tribunal" means the delivering up of a person to an international tribunal whose name appears in the schedule."

(d) on page 32, by adding after line 6 the following:

"PART 3 SURRENDER TO AN INTERNATIONAL TRIBUNAL

77. Sections 4 to 43, 49 to 58 and 60 to 76 apply to this Part, with the exception of paragraph 12(a), subsection 15(2), paragraph 15(3)(c), subsections 29(5), 40(3), 40(4) and paragraph 54(b),

(a) as if the word "extradition" read "surrender to an international tribunal";

(b) as if the term "general extradition agreement" read "general surrender agreement";

(c) as if the term "extradition partner" read "surrender partner";

(d) as if the term "specific extradition agreement" read "specific surrender agreement";

(e) as if the term "State or entity" read "international tribunal";

(f) with the modifications provided for in sections 78 to 82; and

(g) with such other modifications as the circumstances require.

78. For the purposes of this Part, section 9 is deemed to read:

"9. (1) The names of international tribunals that appear in the schedule are designated as surrender partners.

(2) The Minister of Foreign Affairs, with the agreement of the Minister, may, by order, add to or delete from the schedule the names of international tribunals."

79. For the purposes of this Part, subsection 15(1) is deemed to read:

"15. (1) The Minister may, after receiving a request for a surrender to an international tribunal, issue an authority to proceed that authorizes the Attorney General to seek, on behalf of the surrender partner, an order of a court for the committal of the person under section 29."

80. For the purposes of this Part, subsections 29(1) and (2) are deemed to read:

"29. (1) A judge shall order the committal of the person into custody to await surrender if

(a) in the case of a person sought for prosecution, the judge is satisfied that the person is the person sought by the surrender partner; and

(b) in the case of a person sought for the imposition or enforcement of a sentence, the judge is satisfied that the person is the person who was convicted.

(2) The order of committal must contain

(a) the name of the person;

(b) the place at which the person is to be held in custody; and

(c) the name of the surrender partner."

81. For the purposes of this Part, the portion of paragraph 53(a) preceding subparagraph (i) is deemed to read:

"(a) allow the appeal, if it is of the opinion"

82. For the purposes of this Part, paragraph 58(b) is deemed to read:

"(b) describe the offence in respect of which the surrender is requested;" and

(e) by renumbering Part 3 as Part V and sections 77 to 130 as sections 83 to 136; and

(f) by renumbering all cross-references accordingly."

Hon. Lois M. Wilson: Honourable senators, I wish to add my voice to the debate on Bill C-40, which has received such thorough consideration in this chamber. I shall not repeat the cogent arguments so ably made by various senators. The most satisfying feature for me has been the exploration and invocation of the United Nations Covenant on Civil and Political Rights and other international commitments, and the framing of the debate in that context. It bodes well for the proposed human rights committee of this chamber.

Canadians, parliamentarians, courts, judges and the public all need to be more informed of not only the content of the international covenants but also their implications for domestic law in this country.

• (1430)

My view is that the international covenants to which Canada is a signatory do not outline mere goals or policy objectives but, rather, fundamental human rights. In this case, the covenant speaks of the right to life itself. Human rights do not defend themselves by being articulated; they must be defended. If we believe the death penalty is unjustified in Canada, then the moral imperative to oppose it does not stop beyond Canada's borders.

Thus, it is that treaty and covenant commitments internationally must be transformed into Canadian law through legislation. We can all be proud of Canada's record of ratifying human rights treaties. Canada is also good at asserting that we are in compliance with the obligations set out in those treaties. Often, the Charter is invoked, and quite rightly, but the Charter is not the same as the international covenants. Therefore, our somewhat unprepared courts are left with the difficult task of assessing whether or not Canada is actually in compliance with the human rights norms through processes of interpretation, largely of existing legislation.

Various courts of appeal have adopted completely contrary perspectives on how one is to interpret human rights treaties that have not been specifically transformed into Canadian law, according to the Dean of Law at McGill University. So much remains to be done until Canadian law develops a conscious self-understanding of the interplay between international and domestic norms.

I see the adoption of Bill C-40, as amended, as a good opportunity for Canada to give a lead in this regard, and to bring our domestic law into alignment with international covenants. It could be a signal to other countries of Canada's progressive development of international law through domestic legislation. Sometimes the good — Bill C-40 — is the enemy of the best — an amended Bill C-40.

Instead of giving a lead internationally and updating Canada's legal framework, we made a purely political decision and joined the consensus of the European Union, negotiated at the UN's Human Rights Commission in Geneva that I attended two weeks ago.

Some have said that that is the real world, as though those of us who may disagree live in a dream world. Thus it might have been said about other initiatives Canada has taken, such as the land mines treaty and the initiative for the international criminal court. Eventually, in 5 to 10 years, my best assessment is that the intent of the amendment will be enshrined in Canadian domestic law. Why not now?

Will the amendment allow and encourage a flood of criminals from the U.S.A. into Canada? The world obviously cannot be made safe for everyone all of the time. Even releasing incarcerated criminals within Canada is no guarantee that they

will not reoffend, yet we do this. However, the concern for the security of Canadians is a serious issue.

One of the arguments against the amendment is that the Minister of Justice needs discretion, otherwise she will have no leverage to encourage the United States to eschew the death penalty. It can be argued that quite the opposite is true. If the minister has discretion, American promoters of the death penalty may be shrewd enough to threaten to drop charges against an accused person in order to create political pressure in Canada for the minister to extradite even when the death penalty will be carried out.

On the other hand, if the minister has no discretion, the Americans will know that whatever threats they make, they cannot obtain an extradition without assurances that the death penalty will not apply. Therefore, the amendment will strengthen the minister's hand because the maximum penalty available is life imprisonment without the possibility of parole.

Given a clear choice between letting a murderer go free or prosecuting without asking for the death penalty, it is impossible to imagine that a prosecutor could reasonably drop the charges. If the minister is given discretion, she has to work in a somewhat ad hoc manner, and without clear legal parameters that discretion can be too easily at the mercy of political pressures or other public influences. Discretion in the bill should have been set in a clearer legal context and defined more narrowly.

The minister's discretion allows Canada to avoid responsibility for executions of people extradited, even though the executions are carried out elsewhere and by someone else. I think it was Pontius Pilate who has been referred to in this regard.

On the other hand, if the right to human life is enshrined in law, that is a clear legal context which will then have to be interpreted. That, of course, allows the flexibility that many in this chamber have wished for.

Therefore, I want to put myself on record as supporting the initiative of the two Liberal senators who have proposed this amendment which, in my view, is so much in continuity with their own historical political traditions.

Hon. Jeremiah S. Grafstein: I should like to ask the honourable senator a brief question. She has made an eloquent statement on behalf of the amendments, and for that I thank her. She has added a different and more textured view of the position of myself and Senator Joyal.

However, she has not mentioned the second aspect of the amendment dealing with the fast-tracking of criminals. Does she have any brief comments to make about that portion of the amendment?

Senator Wilson: No. I think I will leave that one alone, and leave the debate where it stands. I think it has been well explored.

On motion of Senator Kinsella, debate adjourned.

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming the debate on the motion of the Honourable Senator Lavoie-Roux, seconded by the Honourable Senator Butts, for the second reading of Bill S-29, to amend the Criminal Code (Protection of Patients and Health Care Providers).

Hon. Gérald-A. Beaudoin: Honourable senators, on February 23, 1994, the Honourable Senator Joan Neiman, seconded by the Honourable Senator Thérèse Lavoie-Roux, moved that a special committee of the Senate be appointed to examine and report upon the legal, social and ethical issues relating to euthanasia and assisted suicide. Such a committee was created. In addition to its chair, the Honourable Joan Neiman, and its vice-chair, the Honourable Thérèse Lavoie-Roux, it was composed of the following honourable senators: Gérald-A. Beaudoin, Mabel DeWare, Philippe Gigantès, Wilbert Keon and Raymond Perrault. The Honourable Sharon Carstairs and the Honourable Eymard Corbin later joined the committee. Other senators also participated.

[English]

In my opinion, this committee — and I am, of course, prejudiced — has made a magnificent report. We interviewed many experts, including doctors, lawyers, philosophers, health care providers, nurses, et cetera. We received thousands of letters and hundreds of briefs. We had sittings mostly in Ottawa, but we sat also in Vancouver and Winnipeg.

I am very proud of this report, made in June of 1995. It has been a wonderful experience. The report was well received by the press and the media. We have gathered much attention. The report is unanimous in the field of palliative care, withdrawal of instruments and refusal of treatment. We were divided, however, on two issues, namely, euthanasia and assisted suicide.

The *Rodriguez* case on assisted suicide was a judicial event. The Supreme Court was divided five to four.

• (1440)

In our report, we drafted a lexicon of the terms employed, and this work proved to be very useful, then and now.

[Translation]

The bill before us is not about euthanasia and assisted suicide. The Honourable Senator Thérèse Lavoie-Roux decided to focus on palliative care, withholding treatment, and withdrawal of life support, three topics that the committee agreed on. That is a good

idea. Who can oppose such an initiative? Some will say that the two most difficult issues were left out of the bill. Maybe so. But this can be justified. Others will be able, if they wish, to go further and submit their proposals to our two legislative chambers.

[English]

I wish to say a few words on the division of legislative powers. The bill is based on the criminal law power of the Parliament of Canada. Criminal law is an exclusive federal power, provided for in paragraph 91.27 of the Constitution Act, 1867. The bill amends the Criminal Code in order to protect from criminal responsibility health care providers who act in accordance with their patients' instructions and the standards and guidelines established by the Minister of Health in the areas of life-sustaining treatment and alleviation of pain and serious physical distress.

I should also like to say a few words on another issue of primary importance, the issue of palliative care.

[Translation]

Health, as we know, is primarily under provincial jurisdiction, according to the Constitution. However, the federal government can also intervene in this area, for example, under criminal law and its spending powers.

The bill provides that the standards and guidelines in the area of life-sustaining treatment and alleviation of pain and serious physical distress will be established by the Minister of Health, at the latest one year after the bill receives Royal Assent, in cooperation with the provincial governments and health care professionals.

This cooperation is vital, in my opinion, if we are to comply with the Constitution of Canada. As necessary, administrative arrangements may have to be made between Ottawa and the provinces. Direct intervention by the provinces through legislation should not be excluded either. Health care and hospitals are, I repeat, provincial matters under section 92.7 of the Constitution Act, 1867. Parliament should legislate matters in the Criminal Code, and the provinces should become involved in health care.

I therefore support this bill and am pleased to support it and make these remarks today.

[English]

It is up to Parliament to legislate and to say clearly in the Criminal Code what is legal and what is illegal. Doctors, nurses, health care providers, and others have the right to know what the law is and should benefit from the protection of the law. This bill is, therefore, useful. Amendments to the Criminal Code in that field are long overdue. Parliament should intervene in the legislative field. Is it not the *raison d'être* of Parliament?

Some people, sometimes, are inclined to leave difficult questions to the courts. Although I have the greatest admiration for our judicial system, and although I am in favour of the control of constitutionality of laws, I think that Parliament should also address difficult questions and legislate. This is at the very basis of our parliamentary democracy.

I wish to say a few words on life-sustaining treatment and alleviation of pain and serious physical distress.

[Translation]

Disconnecting life support has already been before the courts. The one case that immediately comes to mind is the 1992 *Nancy B.* case. In my opinion, there is no risk involved in putting the discontinuation of life support under certain conditions into the legislation. Therefore, the parameters set out in the legislation seem reasonable.

The same goes for refusal of treatment. The time has come to legislate in this area based on the Criminal Code.

Bill S-29 should be read a second time and referred to the appropriate committee for further study.

On the motion of Senator Carstairs, debate adjourned.

[English]

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. A. Raynell Andreychuk moved the second reading of Bill S-28, to amend the Canada Elections Act (hours of polling in Saskatchewan).

She said: Honourable senators, few countries are governed so dramatically by the vastness of land and the changes of climate as Canada. Honourable senators need hardly be reminded of this fact. However, the people of Saskatchewan are more intimately entwined with the land, the sky and the weather, due to the agricultural and farming industry. In addition, a large proportion of aboriginals reside there. Their livelihood and history also centre around the land. Consequently, the issues of seasons and time take on a special meaning in Saskatchewan.

The issue of setting time is a provincial matter and, in Saskatchewan, the Time Act governs the setting of time within the province. It is this act that indicates that Saskatchewan will not use daylight saving time and provides for the setting of time in certain areas year-round, while other areas in Saskatchewan are governed by local option with the ability to use winter and summer seasons.

The Canada Elections Act, on the other hand, governs polling hours and election results across Canada. The existing Canada

Elections Act was enacted by Statutes of Canada 1966, Chapter 35. It provides for different polling hours in different regions of the country, in order to compress the span of time over which results are released and governments elected. This act also introduced the staggering of voting hours to accommodate the country's different time zones. It changed the polling hours across the country in an effort to ensure that all results would be available at roughly the same time.

• (1450)

The act, in fact, works as intended when daylight saving time is not utilized across the country. However, when an election is called when most of the country is on daylight saving time, as occurred in the last election held June 2, 1997, it creates a problem. In the words of the Chief Electoral Officer, in his report to the Standing Committee on Procedure and House Affairs, June 1998, thirty-fifth report, he stated, and I quote:

The introduction of staggered voting hours to accommodate the country's different time zones proved successful and achieved the desired results, although electors in part of Saskatchewan were the last to cast their ballots. According to the established objectives, the people of British Columbia were to be the last to vote. However, since Saskatchewan remains on standard time in summer, while the rest of the country moves their clocks ahead, the Act will need to be changed if lawmakers wish to obtain in the summer the same result that would occur if an election took place while the whole country was on standard time. In practical terms, the Act could be amended to include an explicit provision that, during the period when most of the country is on daylight saving time, the Chief Electoral Officer may adjust voting hours in electoral districts in a time zone that does not wish to switch to daylight saving time.

It should be noted that the report of the Standing Committee on Procedures and House Affairs in the other place stated that all the recognized parties agreed that this problem must be addressed and supported the proposal as outlined by the Chief Electoral Officer.

Bill S-28 is in fact an acceptance of the principle of staggered hours and takes into account that Saskatchewan does not use daylight saving time and, therefore, the problem which occurred in the last election would be overcome by this proposed act. With this proposed amendment to the Canada Elections Act, voters from Saskatchewan would be contemporaneous with other voters, and they need not feel excluded.

I wish to thank officials of the Elections Canada for their cooperation and advice and, needless to say, the advice of Mark Audcutt and his staff was invaluable as usual.

On motion of Senator Carstairs, debate adjourned.

PRIVATE BILL

ALLIANCE OF MANUFACTURERS AND EXPORTERS CANADA— THIRD READING

Hon. James F. Kelleher moved the third reading of Bill S-18, respecting the Alliance of Manufacturers & Exporters Canada.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

FOREIGN AFFAIRS

CHANGING MANDATE OF NORTH ATLANTIC TREATY ORGANIZATION—BUDGET REPORT OF COMMITTEE ON STUDY ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Foreign Affairs (budget—study on Canada's relation with NATO) presented in the Senate on May 4, 1999.—(*Honourable Senator Stewart*)

Hon. John B. Stewart: I move the adoption of this report.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

CONSEQUENCES OF EUROPEAN MONETARY UNION— BUDGET REPORT OF COMMITTEE ON STUDY ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Foreign Affairs (budget—study on the European Monetary Union) presented in the Senate on May 4, 1999.—(*Honourable Senator Stewart*)

Hon. John B. Stewart: I move the adoption of this report.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

STATE OF FINANCIAL SYSTEM

CONSIDERATION OF REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON STUDY—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the seventeenth report (interim) of the Standing Senate Committee on

Banking, Trade and Commerce entitled: "A Blueprint for Change" (Volumes I, II and III), tabled in the Senate on December 2, 1998.—(*Honourable Senator Kinsella*)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have taken the time to read the report. I have nothing to add to it, and I am satisfied that the report should be adopted, unless other honourable senators wish to speak on the report.

On motion of Senator Stewart, debate adjourned.

RECOMBINANT BOVINE GROWTH HORMONE

CONSIDERATION OF INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ON STUDY OF EFFECT ON HUMAN AND ANIMAL HEALTH—DEBATE CONCLUDED

On the Order:

Resuming debate on the consideration of the eighth report (Interim) of the Standing Senate Committee on Agriculture and Forestry entitled: "rBST and the Drug Approval Process," tabled in the Senate on March 11, 1999.—(*Honourable Senator Milne*)

Hon. Lorna Milne: Honourable senators, I rise today to speak to the interim report of the Standing Senate Committee on Agriculture and Forestry entitled, "rBST and the Drug Approval Process."

I wish to recognize the work the Senate committee did in their extensive and ongoing investigation into rBST and the drug approval process at Health Canada. Moreover, I rise today to speak on the recent news reports on Monsanto's commitment to seeking approval for rBST in Canada.

Since the freeze the Department of Health has put on the sale of rBST was triggered, obviously, by proven causes for concern over animal health safety, I still have a great concern over the long-term implications this drug may have for human health. I am pleased that the Standing Senate Committee on Agriculture and Forestry is continuing with their exemplary investigation and deliberation on this health issue. While I have not been as active in this study as I would have liked, I have kept an ear on the committee happenings and a close eye on media reports.

Canada's decision to deny approval of rBST is being recognized all over the world. It has been picked up and followed closely in the United Kingdom, where a strong and organized group is fighting Monsanto's efforts every step of the way. Several American senators and public interest groups in the United States have been closely following our committee's investigation and are asking the U.S. Food and Drug Administration to reconsider its findings on rBST. As I said, I believe that by far the most crucial recommendation by the Senate committee at this time is that there be no approval of rBST until the Health Canada evaluators have received and reviewed long-term studies on effects to human health.

On March 23, 1999, there was a report in the *National Post*, with the caption, "Hormone Makers Still Lobbying Ottawa For Approval Despite Damning Report." It went on to report that Monsanto was disputing the health risks cited in the European reports. These risks include breast and prostate cancer in human beings. We must not allow the use of such a potentially hazardous product where there is such conflicting information being reported. The findings of the European commission are similar to a previous report released two years ago by an American scientist. In addition, the commission also found that the hormone may contribute to the spread of antibiotic resistant infections because cows treated with rBST often develop mastitis that is treated with antibiotics.

Monsanto is determined to have this drug approved in Canada.

• (15:00)

The company is currently putting together a response to refute any concerns on dangers to animal safety, thereby eliminating Health Canada's stated reason for denying approval in January.

I believe that now more than ever, Canadians need to be able to trust their drug approval process. The emergence of biotechnology in our food supply certainly allows for higher productivity on the farm, longer shelf life and a higher nutritional content with better tasting products. However, the long-term effects may prove harmful for both farmers and consumers alike.

I commend the committee for their recommendation on an evaluation of the drug approval process to ensure that it is protecting human and animal health and safety.

The committee meetings have started again. On Monday of this week, the committee heard from scientists from Health Canada, including Dr. Margaret Haydon, who reviewed some of the rBST findings. She testified that three separate studies raised questions about how the hormone affected the sexual organs of calves. These three studies were not large enough to offer proof that the drug is dangerous, but they are sufficient to raise questions. I commend the committee for what it is doing. I hope they continue delving into the effects of this drug.

I wish to tell honourable senators, as an aside, that this case has shown the value of the Senate. It has also shown the value of the work that we do here. It has been a useful media tool to have our work and our strong commitment in this place brought into the homes of all Canadians. I congratulate the committee, and hope that they continue their good work.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I should like to ask a question of the honourable senator.

Senator Milne: Certainly.

Senator Kinsella: I thank her for her intervention. I attended the Monday morning session of the Standing Senate Committee on Agriculture and Forestry and listened to Dr. Haydon and her colleagues, including Dr. Chopra.

I should like to know whether the honourable senator shares my view on the following subject. When the scientists from Health Canada testified before the committee, they indicated that they were experiencing a sense of insecurity about possible retaliation as a result of their testimony before the Senate committee.

Does the honourable senator agree that any kind of retaliation taken by senior managers in Health Canada against their scientists on the basis of their appearance before one of our committees is totally unacceptable and is contemptuous of the Senate?

Would the honourable senator also agree that any witnesses who appear before Senate committees should not be subject to interference?

Senator Milne: Honourable senators, I sincerely hope that no witness appearing before any Senate committee would be placed in the position of fearing for the loss of their job, or in fact intimidation in any way whatsoever. Certainly that should not be the case if that person is a federal government employee.

Hon. Brenda M. Robertson: Honourable senators, I have spoken with the chairman of the committee, and I agree that that committee has done very good work in this particular instance.

Most honourable senators are aware of the problem of genetically modified foods. We know that the European market has banned genetically modified foods. We know that perhaps the largest distributor of agricultural foods on this continent, Archer Daniel, will not use any genetically modified food products.

I should like to know from the honourable senator if she would urge the members of the Standing Senate Committee on Agriculture and Forestry to press for a continuance of their study in this regard?

Senator Milne: I am not a member of the Standing Senate Committee on Agriculture and Forestry, and therefore, I cannot claim it as mine.

However, I will certainly urge the committee to continue with this study, and to consider carrying it over to genetically modified foods. This is an emerging issue and it is becoming a marketing issue. It will definitely affect Canadian agricultural exports. It has already affected our export of canola.

Senator Robertson: I appreciate the honourable senator's comments. I would point out that Monsanto is greatly involved with other genetic modification of food products.

If the honourable senator would voice her concerns, I would appreciate that.

Senator Kinsella: Honourable senators, I have one final question for Senator Milne.

Would the honourable senator agree with me that it is important to maintain the separation of the drug approval process, wherein the assessment is being made from a human health safety standpoint, from the research that is done by the producer? In other words, is there not an intrinsic conflict of interest situation when the producers of foods are the ones who also assess the safety of that food in terms of human consumption?

Senator Milne: Honourable senators, I have long learned to be wary when Senator Kinsella says, "Would you agree with me?" However, in this case, I would agree with the honourable senator.

One of the problems with evaluating the use of drugs, and evaluating the increasing use of genetic modification in agricultural seeds is the fact that a great deal of the research is being done by universities across Canada and North America. The very companies that are producing the seeds are funding the research. I agree that this places suspicion on the process.

The Hon. the Acting Speaker: If no other honourable senator wishes to speak, this order shall be considered debated.

The Senate adjourned until tomorrow at 2 p.m.

CONTENTS

Wednesday, May 5, 1999

	PAGE		PAGE
SENATORS' STATEMENTS		Foreign Affairs	
The Late Honourable Douglas S. Harkness, P.C., O.C.		Kosovo—Plans for Post-Conflict Initiatives— Government Position. Senator Andreychuk	3255
Tributes. Senator Forrestall	3249	Senator Graham	3255
Senator Hays	3249	Yugoslavia—Plans for Post-Conflict Initiatives—Involvement of United Nations—Government Position. Senator Roche	3256
Senator Taylor	3250	Senator Graham	3256
Montreal YWCA Foundation		Finance	
Women of Distinction Awards 1999. Senator Pépin	3250	Fiscal Policy of Government—Statements by Minister—Request for Clarification. Senator Bolduc	3256
The Late Bishop Juan Gerardi of Guatemala		Senator Graham	3256
First Anniversary of Assassination. Senator Butts	3251	The Economy	
<hr/>		Responsibility for Elimination of Deficit—Government Position. Senator Stratton	3257
Visitors in the Gallery		Senator Graham	3257
The Hon. the Acting Speaker	3252	<hr/>	
<hr/>		ORDERS OF THE DAY	
ROUTINE PROCEEDINGS		Extradition Bill (Bill C-40)	
Fisheries		Third Reading—Motions in Amendment—Debate Continued. Senator Wilson	3258
Committee Authorized to Permit Electronic Coverage. Senator Comeau	3252	Senator Grafstein	3259
<hr/>		Criminal Code (Bill S-29)	
QUESTION PERIOD		Bill to Amend—Second Reading—Debate Continued. Senator Beaudoin	3260
Canadian Heritage		Canada Elections Act (Bill S-28)	
Foreign Publishers Advertising Services Bill—Result of Recent Negotiations—Possibility of Amendments—Government Position. Senator Lynch-Staunton	3252	Bill to Amend—Second Reading—Debate Adjourned. Senator Andreychuk	3261
Senator Graham	3252	Private Bill (Bill S-18)	
Foreign Publishers Advertising Services Bill—Result of Recent Negotiations—Activities of Transport and Communications Committee. Senator Lynch-Staunton	3253	Alliance of Manufacturers and Exporters Canada—Third Reading. Senator Kelleher	3262
Senator Poulin	3253	Foreign Affairs	
Industry		Changing Mandate of North Atlantic Treaty Organization— Budget Report of Committee on Study Adopted. Senator Stewart	3262
Shipbuilding—Lease Financing Tax Regime Similar to European Countries—Government Position. Senator Oliver	3253	Consequences of European Monetary Union—Budget Report of Committee on Study Adopted. Senator Stewart	3262
Senator Graham	3253	State of Financial System	
National Defence		Consideration of Report of Banking, Trade and Commerce Committee on Study—Debate Continued. Senator Kinsella ...	3262
Rapid Reaction and Power Projection Capabilities—Replacement of Equipment—Government Position. Senator Forrestall	3254	Recombinant Bovine Growth Hormone	
Senator Graham	3254	Consideration of Interim Report of Agriculture and Forestry Committee on Study of Effect on Human and Animal Health— Debate Concluded. Senator Milne	3262
Human Resources Development		Senator Kinsella	3263
Statement by Prime Minister—Classification of Employment Insurance as Tax—Government Position. Senator Tkachuk ...	3255	Senator Robertson	3263
Senator Graham	3255		



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